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**HISTORY**  
**OF**  
**NEW ENGLAND.**



**HISTORY**  
**OF**  
**NEW ENGLAND.**

**BY**  
**JOHN GORHAM PALFREY.**

**VOLUME V.**

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**BOSTON:**  
**LITTLE, BROWN, AND COMPANY.**  
**1905.**



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**HISTORY**  
**OF**  
**NEW ENGLAND**

**FROM**  
  
**THE REVOLUTION OF THE SEVENTEENTH CENTURY**  
**TO THE REVOLUTION OF THE EIGHTEENTH.**

**BY**  
  
**JOHN GORHAM PALFREY.**

**IN TWO VOLUMES.**  
**VOL. II.**

**Moribus antiquis res stat Romana virisque.**  
**ENNIUS, *apud Cíc. de Rep. V. 1.***

**BOSTON:**  
**LITTLE, BROWN, AND COMPANY.**  
**1905.**

years preceding the War of Independence, and which he held not on superficial acquaintance, not as the result of special preparation for a special work, but after wide reading and long study, and the most absorbed and continuous meditation. To attempt to alter such a work would be, in my judgment, a very delicate matter. The more there was done in that direction, the less would the book be the author's. From such considerations, I have been led to print the book substantially as my father left it. I may claim to have added something to its value by careful revision of every part, by the verification of references, by the filling of *lacunæ*, by the correction of obvious errors of detail, and the like, but I have done little more.

The map prefixed to this volume is copied from a "Map of the inhabited portions of New England" published by Jeffreys of London in 1774, and now in the Boston Public Library.

F. W. P.

PRIDE'S CROSSING, MASSACHUSETTS,  
September 11, 1889.

# PREFACE

## TO THE FIFTH VOLUME.

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ACCORDING to the plan laid out for my History, this volume would bring down the narrative to the 3d day of July, 1775. I intend to keep at work on it as long as I am able, though I do not expect to finish it. In any case, it will not see the light in my lifetime. My fourth volume, published in my eightieth year, was received with indulgence. But at my age it is not safe to trust one's judgment. It will be for those into whose hands this manuscript will fall to determine as to the disposal of it.

I feel the less diffidence in respect to the general opinions advanced in this volume, as they were embraced and pondered in my sounder years. The unskilfulness in its execution I must leave to the fairness of criticism, which hitherto I have had no reason to distrust. The preparation of it has been made in some circumstances of discouragement. My memory is enfeebled, and every one who has had experience in composition like what I have undertaken, knows how imperfectly this defect is supplied by written memoranda. The feebleness of my hands embarrasses me not only in the use of the pen, but in the examination of such original authorities as are to be consulted in heavy volumes and in files of papers. I cannot go to any distance for materials, and even for access to such as are not far off, I am dependent on the weather. For such reasons, in addition to that of the general decay of my powers, what I may



accomplish of this volume must be presumed to be superficial in comparison with what has gone before.

In respect to the impaired efficiency of old age, one thing, I suppose, is apt to be not enough considered. The abatement of confidence in one's self is itself a vast loss of power. A person may be thought by those about him to continue in fair mental condition. But even if they judge rightly, yet if he is not confident in the same opinion, he is more or less disabled. The self-distrust which good sense, as well as modesty, requires of advanced age, makes him timid; and a timid writer is perforce vague and ineffective.

In the marginal notes of this volume I have mostly disused the repetition, so frequent in the earlier volumes, of references to the "British Colonial Papers." The reader will understand that letters and other papers which I cite belong to that collection, unless some other source is indicated.

I have continued to receive valuable assistance from Mr. Deane and Mr. Hoadly. Mr. Trumbull's attention to my frequent inquiries has been indefatigable.

To-day one question forces itself on the considerate mind; its solution must await the developments of future times. The work which in five generations was done in New England for the continent and the world, was done by Englishmen of Puritan training. As far as human judgment may trust itself, no other class of men contemporary with them was equal to the achievement. The homogeneous character of that population lasted for two centuries. Often different individuals among them saw public interests and public duties in different lights, and for a while they would thwart, and quarrel with, and disable each other. But they had a broad common understanding. They understood how to reason together, and with their common associates; and they knew that to a great extent they all had the same generous aims, and the same guiding and fortifying principles of truth, honor, uprightness, and religion. In the time more recent, these conditions are changed. Since 1830 vast numbers of the Irish stock, and, more lately, numer-

ous Germans, Africans, and others, are sharers in the conduct of the affairs of New England. No doubt God made of one blood all the nations of the earth; but not less certainly does that common stream in different families of men flow through channels differing in wholesomeness and capacity. And it has not yet appeared that the Celtic or the African constitution, or that of the aboriginal red man or of strays from one or another despotism of continental Europe or of the heathen East, is competent to struggles and exploits, or to an acute, far-seeing, courageous, and persistent policy, like those by which the later greatness of New England was founded and fashioned by the God-fearing builders of that community. The structure and temper of the society into which these foreign elements are received, may be expected to do much towards moulding them into a congenial shape. But how far may such assimilation of thought and character be expected to go? Can these alien races be educated to carry on the work which minds of antecedents so different laid out; may they become capable of improving upon its principles and methods, or are they likely to have their own aptitudes and tastes so modified as to enter with intelligent zeal into the plans of the intelligently zealous men who preceded them here? And how much time will such a process take? And meanwhile is there more or less danger of a lowering of the native style of thinking and character by compromises with the ignorance and incapacity and wrong-headedness which are to be instructed and reformed and cultivated, and by submission to their hurtful dictation for the sake of temporary advantage from their favor? Is there danger that a supposed necessity for deference to their less elevated or less rigorous views may in any degree reduce the tone of that public morality, to whose action in past time New England owes the well-being of her people, and her good name in the world? Future history will resolve these doubts. Let the men of the present time hope and endeavor for the best.

J. G. P.

CAMBRIDGE, MASSACHUSETTS,  
December 22, 1876.



# CONTENTS

## OF THE FIFTH VOLUME.

### BOOK V.

#### PROGRESS UNDER THE FIRST TWO HANOVERIAN KINGS.

#### CHAPTER VIII.

THE GREAT AWAKENING.	Page
Alleged Decay of Religion in New England . . . . .	3
Revivals of Religion . . . . .	4
Jonathan Edwards . . . . .	5
Account sent to England . . . . .	7
Whitefield in New England . . . . .	8
His Estimation of Boston . . . . .	10
His Visit to Jonathan Edwards . . . . .	11
Tennent follows Whitefield . . . . .	12
Practical Effect . . . . .	13
James Davenport . . . . .	15
His Censures of New England Ministers . . . . .	16
Reaction from the Excitement . . . . .	18
Opinions of the Ministers as to the Revival . . . . .	19
Whitefield's Second Visit to New England . . . . .	22
His Want of Success . . . . .	23
His Death . . . . .	24
Revivals in Connecticut . . . . .	25
Whitefield and Tennent in Connecticut . . . . .	26
Davenport in Connecticut . . . . .	27
Action of the Clergy and Government . . . . .	28
Legal Prosecutions . . . . .	30
Congregations and Preachers Multiplied . . . . .	31
Subsidence of the Excitement . . . . .	32
Its Limited Prevalence in Rhode Island . . . . .	33
Character and Consequences of the Awakening . . . . .	35
Davenport and Tennent's Altered Views . . . . .	36
Views of Edwards, Colman, and Chauncy . . . . .	38
Views of Clergymen of the Church of England . . . . .	40



## CHAPTER IX.

## ADMINISTRATION OF SHIRLEY.

	Page
Poverty of Massachusetts in 1741 and after . . . . .	42
Population of Massachusetts in 1741 . . . . .	43
Shirley's Early Official Career . . . . .	45
His Relations to Belcher . . . . .	46
His Activity . . . . .	48
His Appointment as Governor of Massachusetts . . . . .	49
His Reception and Inaugural Speech . . . . .	50
Financial Embarrassment. . . . .	51
Shirley's Clear Views . . . . .	52
Temporary Expedients . . . . .	53
Renewed Claim for a Fixed Salary for the Governor . . . . .	54
Close of the Controversy . . . . .	56
Low Pecuniary Condition of Massachusetts . . . . .	58
War between England and France . . . . .	58
Its Consequences to Massachusetts . . . . .	58
French Fortress at Louisburg . . . . .	60
Shirley's Scheme for its Reduction . . . . .	61
The Scheme at first Rejected by the General Court . . . . .	62
The Scheme finally Adopted . . . . .	64
William Pepperell appointed Commander . . . . .	65
Despatch of the Troops . . . . .	67
Shirley's Instructions . . . . .	68
Progress of the Undertaking . . . . .	69
The Place Surrenders . . . . .	73
Rejoicings . . . . .	75
Return of Pepperell . . . . .	78
Importance of the Conquest . . . . .	79

## CHAPTER X.

## MILITARY AND MONETARY MATTERS.

Rewards to the Actors in the Conquest . . . . .	81
Shirley's Plans for the Conquest of New France . . . . .	82
Abortive Enterprise of the French . . . . .	85
Tumult in Boston caused by Impressment . . . . .	87
Restoration of Louisburg to France . . . . .	91
English Scheme for Taxing the Colonies . . . . .	93
Fears of English Interference in Church Matters . . . . .	95
Shirley goes to England . . . . .	96
Paper Money in Massachusetts . . . . .	97
The Land Bank . . . . .	99
Reimbursement for Outlay in the Louisburg Campaign . . . . .	101
Restoration of a Sound Currency . . . . .	103

# CONTENTS.

xiii

	Page
Hutchinson's Worthy Part in the Matter . . . . .	104
Returning Financial Prosperity . . . . .	107
Silver Bill . . . . .	108
Paper Money not Legal Tender . . . . .	109

## CHAPTER XL

### MOVEMENTS AGAINST THE FRENCH.

Spencer Phips as Chief Magistrate . . . . .	110
Governor Shirley's Absence . . . . .	110
Peace with the Indians . . . . .	111
Disturbances in Maine . . . . .	112
Halifax Established . . . . .	113
Doubtful Allegiance of French Neutrals . . . . .	114
Proposed Charter for Nova Scotia . . . . .	114
Choice of Attorney-General . . . . .	115
Prevalence of Small-pox . . . . .	116
Boundaries of Acadia . . . . .	116
Old Style and New Style in the Calendar . . . . .	116
Marriage and Return of Shirley . . . . .	117
French Designs . . . . .	117
Pepperell's Successful Commission . . . . .	118
English Colonies surrounded by Enemies . . . . .	118
French Advances . . . . .	119
Importance of Nova Scotia . . . . .	120
Colonial Conference . . . . .	121
Business concluded with the Six Nations . . . . .	122
Franklin's Plan for a General Government . . . . .	122
Official Prerogatives . . . . .	123
Scheme for a President-General unfavorably received . . . . .	124
British Plan . . . . .	124
Dinwiddie's Ambition . . . . .	124
Taxation and Representation . . . . .	125
Shirley's Opposition to Liquor Tax . . . . .	126
Fort Duquesne Captured . . . . .	127
Military Spirit in Massachusetts . . . . .	128
Maine Difficulties . . . . .	128
Encroachments in Ohio . . . . .	129
Four Points of Danger . . . . .	130
First Mournful Scene in Acadia . . . . .	130
Annoyance from Savages and Priests . . . . .	131
Oath of Allegiance to England Refused . . . . .	131
Victory by Provincial Troops . . . . .	132
Perilous Outlook . . . . .	133
Vigorous Measures Adopted . . . . .	133
Acadian Ejection . . . . .	135

	Page
No Intentional Inhumanity . . . . .	136
Grievances of the Exiles . . . . .	137
Fate of the Refugees . . . . .	137
Prominent Men in the Colonial Army . . . . .	138
Expedition to Lake Champlain . . . . .	139
Defeat of Dieskau . . . . .	140
Johnson Rewarded . . . . .	141
Fort William Henry . . . . .	142
Disastrous Expedition to Fort Niagara . . . . .	142
Renewed Enterprises against the French . . . . .	143
Raising Money in Massachusetts . . . . .	144
Shirley Removed . . . . .	145
His Subsequent Career . . . . .	146

## CHAPTER XII.

## END OF NEW FRANCE.

Spencer Phips again at the Head . . . . .	148
Unfortunate English Settlers . . . . .	148
England at last declares War . . . . .	149
New Commanders and Inactivity . . . . .	150
Lord Loudoun's Futile Undertaking . . . . .	151
Capture of Fort William Henry . . . . .	151
Advantage not Improved . . . . .	152
Pownall's Arrival . . . . .	153
Aggressive Plans . . . . .	154
Loudoun's Collision with the General Court . . . . .	154
Dangerous Colonial Concessions . . . . .	155
Loudoun at Variance with the Representatives . . . . .	156
Pitt's Fall and Restoration . . . . .	157
Liberal Colonial Policy . . . . .	158
Finances in Massachusetts . . . . .	159
Accidental Encounter . . . . .	160
Montcalm's Subsequent Victory . . . . .	160
Abercrombie Superseded . . . . .	161
Capture of Fort Frontenac . . . . .	162
Successful Siege of Louisburg . . . . .	163
Wolfe and Amherst in Command . . . . .	164
Plan for next Campaign . . . . .	165
Successes on Lake Champlain . . . . .	165
A Strong Fortress . . . . .	166
The Heights Occupied . . . . .	167
Opposing Forces . . . . .	168
Death of Wolfe . . . . .	168
Fall of Quebec . . . . .	169
Retreats and Losses . . . . .	169

# CONTENTS.

xv

	Page
Canada Conquered . . . . .	170
Capitulation of Montreal . . . . .	170
Termination of the French Empire in America . . . . .	171
Conciliatory Policy . . . . .	172
Far-reaching Results of this Conquest . . . . .	173
British Empire under George III. . . . .	174
Condition of Massachusetts . . . . .	174
Declaration of War . . . . .	174
Conquest of Cape Breton . . . . .	175
Pownall's Friendly Transfer . . . . .	175
New England Strength and Sentiments . . . . .	177

## CHAPTER XIII.

### EVENTS IN NEW HAMPSHIRE, CONNECTICUT, AND RHODE ISLAND.

Growth of the Smaller Colonies . . . . .	179
New Hampshire separated from Massachusetts . . . . .	179
Governor Benning Wentworth's Policy . . . . .	180
Consultation with Shirley . . . . .	182
New Hampshire in the Louisburg Campaign . . . . .	182
Vaughan's Career . . . . .	183
Indian Annoyances . . . . .	184
Exposure of the Northern Frontier . . . . .	184
Settlement of Land Titles . . . . .	185
Differences between Governor and Deputies . . . . .	187
Contumacious Appeal to the Crown . . . . .	188
Peace and Prosperity . . . . .	188
Valor in the Canadas . . . . .	189
The Interior Endangered . . . . .	189
Inspiration of Pitt's Ministry . . . . .	190
New Hampshire Bravery . . . . .	191
Its part in the Canadian Downfall . . . . .	191
Joyful Harvests . . . . .	192
Connecticut's Prosperity . . . . .	193
Expedition to the Spanish Main . . . . .	193
Education Law . . . . .	193
Arming for Defence . . . . .	194
Co-operation in the Louisburg Expedition . . . . .	194
Dispute over Northern Towns . . . . .	195
Changes in Yale College . . . . .	197
Educational and Religious Questions . . . . .	197
Governors Law, Wolcott, and Fitch . . . . .	199
Opposition to Federal Constitution . . . . .	200
Military Valor . . . . .	200
Hospitality to French Neutrals . . . . .	201
Aiding Loudoun's Command . . . . .	201
Disappointment and Hope . . . . .	201

	Page
Military Measures . . . . .	202
Rhode Island Less Isolated . . . . .	203
Literary Advancement . . . . .	203
Voting Privileges . . . . .	204
Maritime Service in War with Canada . . . . .	205
Spirit of Mobbism . . . . .	206
Rhode Island's Share in the Conquest of New France . . . . .	206
Financial Recklessness . . . . .	207

BOOK VI.

PROGRESS UNDER KING GEORGE THE THIRD.

CHAPTER I.

THE SEEDS OF SEPARATION.

Relief brought by the Revolution of 1688 . . . . .	211
English Love of Liberty . . . . .	211
Colonial Share in Home Privileges . . . . .	212
Tact in Dealing with Royal Governors . . . . .	212
Charter Rights . . . . .	213
Independence as yet but a Dream . . . . .	213
Diminution of Relative Colonial Strength . . . . .	214
No British Sympathy with Political Separation . . . . .	214
Affectionate Allegiance of Puritan Colonists . . . . .	215
Falsely Imputed Disloyalty . . . . .	216
Two New England Colleges . . . . .	217
Common Schools and the Press . . . . .	218
Pulpit Influence . . . . .	218
First Work of Fiction . . . . .	219
Ignorance concerning the Fine Arts . . . . .	219
Music and Dancing . . . . .	220
Abigail Adams . . . . .	221
Colonial Union Distrusted . . . . .	222
Population of the Colonies . . . . .	222
England's Capture of Guadeloupe . . . . .	223
Expediency of Relinquishing Canada Considered . . . . .	223
Franklin's Protest . . . . .	223
Colonial Independence Presaged . . . . .	223
Governor Bernard's Sarcasm . . . . .	224
Rejoinder of the Council and House . . . . .	225
His Approval of Public Spirit in Massachusetts . . . . .	225
Deportation of Acadian Exiles . . . . .	226
Obedience to Navigation Laws . . . . .	227
Change in Bernard's Tone . . . . .	227
Scheme for a New Division of the Colonies . . . . .	228

## CONTENTS.

xvii

	Page
Trade Questions . . . . .	229
The Chief Justiceship . . . . .	229
Thomas Hutchinson's Career . . . . .	230
Disaffection of the Otises . . . . .	231
The Younger Otis and the Sugar Act . . . . .	232
Premonition of Trouble . . . . .	233
Increased Commercial Duties . . . . .	234
Search Warrants Unlawfully Issued . . . . .	234
Contraband Trade with the West Indies . . . . .	235
Writs of Assistance Discussed . . . . .	235
Hearing on the Merchants' Memorial . . . . .	237
Gridley's Defence of the Writs . . . . .	238
Replies of Thacher and Otis . . . . .	238
Adams's Recollections of the Occasion . . . . .	239
Advice from England . . . . .	240
Second Hearing . . . . .	240
Legality of these Writs . . . . .	242
Sanguine but Erroneous Calculations of the Governor . . . . .	243

## CHAPTER II.

### CAUSES OF CONTENTION.

British Apprehensions . . . . .	244
First use of the word <i>Congress</i> . . . . .	244
Improved Colonial Prospects . . . . .	245
Independence not yet Sought . . . . .	245
Mutual Jealousy . . . . .	246
Effect of Pitt's Retirement . . . . .	246
Gold and Silver Currency . . . . .	247
Troops Raised . . . . .	248
Deep Causes of Dissension . . . . .	248
Protection of Fishing Ports . . . . .	249
Governor's Warrants Ignored . . . . .	250
Right of Originating Taxes . . . . .	250
Remonstrance Presented . . . . .	250
Its Rejection by the Governor . . . . .	251
General Court Prorogued . . . . .	252
Vindication published by Otis . . . . .	252
Episcopal Usurpation Feared . . . . .	253
A Colonial Missionary Society Disallowed . . . . .	254
Independent Attitude of the Clergy . . . . .	255
Fishery Questions . . . . .	256
Canadian Regulations . . . . .	256
The King congratulated by the General Court . . . . .	256
Questions demanding Immediate Settlement . . . . .	257
National Debt increased by the French War . . . . .	257

	Page
Sharing Military Expenses . . . . .	258
Liberal Colonial Expenditures . . . . .	259
Projects of Taxation by Parliament . . . . .	259
Two Methods of raising Revenue from America . . . . .	260
Sugar Tax Diminished . . . . .	261
Enforcement of Navigation Acts . . . . .	261
Colonial Shipping and Manufactures . . . . .	262
Colonial Population . . . . .	263
Support of Provincial Government . . . . .	264

CHAPTER III.

RIPENING FOR REBELLION.

Proposed Mission to London . . . . .	265
Preferment of the Elder Otis . . . . .	266
His Son argues the Rights of the Colonies . . . . .	266
Ambition for Independence Disclaimed . . . . .	268
Parliamentary Taxation Opposed . . . . .	268
Freedom from Taxation a Bulwark of Freedom . . . . .	269
Parliamentary Representation not Advisable . . . . .	270
Power of Government derived from the People . . . . .	271
Imposition of New Excise Rules . . . . .	272
Public Discussion of the Plantation Act . . . . .	272
Rise of Samuel Adams . . . . .	273
Vote of Instructions to the General Court . . . . .	274
Infringement of Privileges Dreaded . . . . .	274
Fealty and Rights . . . . .	274
Sympathy sought from other Colonies . . . . .	275
Ineffectual Effort to avert Public Attention . . . . .	275
Ominous Silence of the Colonies . . . . .	275
Instructions sent to the Agent in England . . . . .	276
First Committee of Correspondence . . . . .	277
Hutchinson's Petition . . . . .	278
Rights, Privileges, Liberties . . . . .	278
Oppressive Burdens . . . . .	279
Oxenbridge Thacher's Pamphlet . . . . .	280
Power of Admiralty Courts . . . . .	281
Another Maritime Hardship . . . . .	282
Injurious Effect on British Trade . . . . .	283
A Calm Protest . . . . .	283
No Taxation without Representation . . . . .	284
Inexcusability of Internal Taxes . . . . .	285
Grenville's Scheme for Larger Revenue . . . . .	286
Stamp Duties at Home . . . . .	286
Barré's Outburst . . . . .	287
Provisions of the Stamp Act . . . . .	288

CHAPTER IV.

AFFAIRS IN OTHER PARTS OF NEW ENGLAND.	Page
Ownership of Lands between the Connecticut and Hudson . . . . .	290
Grants from New Hampshire . . . . .	291
Claims disputed by New York . . . . .	292
New Hampshire not troubled by Writs of Assistance . . . . .	293
Establishment of Dartmouth College . . . . .	293
Brown University Founded . . . . .	294
Violation of Revenue Laws in Rhode Island . . . . .	295
Remonstrance of the Assembly against Trade Restrictions . . . . .	295
Rhode Island Commerce . . . . .	296
Injurious Effects of Sugar Tax . . . . .	297
Rebellious Sentiments . . . . .	298
Consultation for the Prevention of Unjust Taxation . . . . .	298
Grievances of the American Colonies . . . . .	299
Clear and Moderate Petition to the Crown . . . . .	299
Equal Rights of Colonists with other Subjects . . . . .	300
Military Requisitions in Connecticut . . . . .	301
Population and Trade . . . . .	301
President Clap of Yale . . . . .	303
Excitement caused by the Sugar and Stamp Acts . . . . .	303
Governor Fitch's Pamphlet . . . . .	303
Treatise sent to Parliament . . . . .	305
Draught of the Stamp Act . . . . .	305
Unavailing Remonstrance . . . . .	306

CHAPTER V.

STAMP ACT AND ANGLO-AMERICAN CONGRESS.	
Rapid Succession of Events . . . . .	307
Impolitic Change in British Policy . . . . .	307
The Stamp Act a Test Question . . . . .	308
Charter Conditions . . . . .	309
Colonial Share of Public Burdens . . . . .	309
Sudden Change of Feeling towards the Mother Country . . . . .	310
Mutual Indebtedness . . . . .	311
English Greatness and Colonial Hesitation . . . . .	311
Puritan Distrust of other Provinces . . . . .	312
Reluctant Entrance into Contest with England . . . . .	313
Three New England Revolutions . . . . .	314
Deferential Protests . . . . .	315
Passage of the Stamp Act . . . . .	316
Bernard on the Excellence of British Rule . . . . .	316
Massachusetts Letters to other Assemblies . . . . .	317
Virginia Resolves . . . . .	318



	Page
Stamp Distributor in Effigy . . . . .	319
The Governor Alarmed . . . . .	321
Further Attacks promoted by a Sermon . . . . .	321
A Serious Loss to Literature . . . . .	322
Official Remonstrances . . . . .	322
Legal Papers Unstamped . . . . .	323
New Hampshire Stamps in Boston . . . . .	324
Connecticut Opposition to Stamps . . . . .	325
Friends of Order Aroused . . . . .	325
Apologetic Measures Advised . . . . .	326
Anglo-American Delegates . . . . .	328
Composition of the Congress . . . . .	328
Four Manifestoes . . . . .	330
Declaration of Rights and Grievances . . . . .	330
Conciliatory Address to the King . . . . .	330
Memorial to the Lords . . . . .	330
Petition to the Commons . . . . .	331
Reception of these Papers . . . . .	331
Real Results of the Congress . . . . .	331

## CHAPTER VI.

### REPEAL OF THE STAMP ACT.

Decision of the Congress in New York . . . . .	333
Reply of Massachusetts Representatives to the Governor . . . . .	333
Rights and Limitations of Parliament . . . . .	334
Popular Rights . . . . .	334
Repeal Anticipated . . . . .	335
Lesson of Recent Disturbances . . . . .	335
Disapproval of Compensation . . . . .	336
Passage of Resolutions . . . . .	336
Council called to Account . . . . .	338
No Stamps on Sale . . . . .	338
Anniversary of Gunpowder Plot . . . . .	339
No Mercantile Orders to be sent Home . . . . .	340
Oath at the Liberty Tree . . . . .	340
Arguments before Governor and Council . . . . .	340
Unstamped Papers used by Legal Bodies . . . . .	341
Demand for Sessions of the Courts . . . . .	341
Postponed Action . . . . .	342
Accounts of Stamp Riot received in England . . . . .	343
How Government Expenses should be Met . . . . .	343
Employment of the Military to secure Order . . . . .	344
King's Health necessitates a Regency . . . . .	344
New Ministry . . . . .	345
Rockingham's Policy . . . . .	346

## CONTENTS.

xxi

	Page
Discussion in Parliament . . . . .	346
Pitt's Liberal Advice . . . . .	347
Repeal of Stamp Act urged by Merchants . . . . .	348
Witnesses examined in Committee of the Whole . . . . .	348
Franklin's Opinions . . . . .	349
Crown Compensation to the Colonists for Military Expenses . . . . .	350
Shifting Prospects . . . . .	351
Seven Resolves . . . . .	351
Expediency of Repeal . . . . .	352
Legal Opinions . . . . .	353
Repeal of the Obnoxious Act . . . . .	353
Joy in America . . . . .	353
Governor's Objection to Otis as Speaker . . . . .	355
Trouble over the Election of Counsellors . . . . .	356
Governor's Unwise Speech . . . . .	356
Spirited Reply of the Representatives . . . . .	357
Requisition for Recompense of Sufferers in the Riots . . . . .	358
Dignified Reply . . . . .	359
Distinction between Lawful Complaint and Unlawful Violence . . . . .	360
Consideration of the Requisition Postponed . . . . .	360
Request for a Thanksgiving Day . . . . .	361
Unfriendly Temper of the Government . . . . .	362

## CHAPTER VII.

### COLLISIONS WITH THE ROYAL GOVERNMENT.

Rockingham's Cabinet gives place to Pitt's . . . . .	363
Three Subjects of Dispute with Massachusetts . . . . .	364
Indemnity for the Riot Losses at first Refused . . . . .	364
A Bill finally Passed . . . . .	366
Repealed by Privy Council . . . . .	367
The Lieutenant-Governor excluded from the Council . . . . .	367
Inquiry into certain Military Supplies . . . . .	369
Jackson deprived of the Massachusetts Agency . . . . .	370
New General Court at strife with the Governor . . . . .	371
Garrison at Fort Pownall . . . . .	371
Dignified Opposition of the Council . . . . .	372
A New Shock from Parliament . . . . .	372
New Custom Duties . . . . .	373
Friendly Prospects Injured . . . . .	374
Foreign Luxuries Discouraged . . . . .	374
Townshend's Death . . . . .	375
Displacement of Board of Trade . . . . .	375
Protest against the New Imposts . . . . .	376
Censure from Shelburne . . . . .	377
Vote to confer with the other Assemblies . . . . .	378
Circular Letter . . . . .	378

	Page
Counsellors disallowed by the Governor . . . . .	380
Circular condemned by the Crown . . . . .	381
Vote not to Rescind . . . . .	382
Demand for Bernard's Removal . . . . .	382
Nature of the Circular Letter . . . . .	383
Dickinson's Letters from a Farmer . . . . .	384
Excitement against the Revenue Commissioners . . . . .	385
Row over a Cargo of Wine . . . . .	387
Agreement against Imported Goods . . . . .	389
Complaint against His Majesty's Ship Romney . . . . .	390
Boston Protests against Nautical Injuries . . . . .	390
Opposition to Soldiery from Halifax . . . . .	391
Convention of Towns in Boston . . . . .	393
Arrival of the Fleet . . . . .	394
Reinforcements from Ireland . . . . .	395
Chatham replaced by Grafton . . . . .	396
The King's Speech . . . . .	396
Eight Parliamentary Resolves . . . . .	396
The Danforth and Bollan Petitions . . . . .	398
Brighter Prospects . . . . .	399
Seizure off Marblehead . . . . .	399
Necessary Meeting of the General Court . . . . .	400
Complaint against a Standing Army . . . . .	400
Renewed Conflict over the Election of Counsellors . . . . .	401
Refusal of Money Grant to His Excellency . . . . .	402
Military Appropriation also Refused . . . . .	402
Copies of Bernard's Letters . . . . .	403
Last Provincial Transaction of Bernard with the General Court . . . . .	403

## CHAPTER VIII.

### THE BOSTON MASSACRE.

Bernard's Impatience and Departure . . . . .	404
Prosperity of Harvard College under Holyoke . . . . .	404
Bernard's Correspondence with Hutchinson . . . . .	405
Trial and Exculpation of Bernard . . . . .	407
Two Grievances felt in Boston . . . . .	409
The Patriots of that Town . . . . .	409
Non-importation Agreements . . . . .	410
John Mein's Imbroglia . . . . .	411
Otis's Impetuous Advertisement . . . . .	412
His Affair with Robinson . . . . .	413
Reply to Bernard's Aspersions . . . . .	413
Petty Riots . . . . .	414
Killing of a German Boy . . . . .	416
Serious Disturbance . . . . .	416
Beginning of the Fray . . . . .	417

## CONTENTS.

xxiii

	Page
Death of Crispus Attucks and others . . . . .	418
Arrest of the Soldiers . . . . .	418
Troops sent to the Castle . . . . .	419
Indictment of Preston . . . . .	420
The Sons of Liberty Implicated . . . . .	420
Acquittal of Preston . . . . .	421
Shots from the Custom House . . . . .	421
Arraignment of the Redcoats . . . . .	421
Results of the Trial . . . . .	422
Change of Ministry . . . . .	423
Royal Attitude towards the Colonies . . . . .	424
Character and Career of Lord North . . . . .	425
Obstinate Devotion to George III. . . . .	426
Attention turned to the Colonies . . . . .	426
Maintenance of the Right of Taxation . . . . .	427
Pownall's Protest against Crown Measures . . . . .	428

## CHAPTER IX.

### CONTROVERSY OF HUTCHINSON WITH THE GENERAL COURT.

Peaceful Outlook in New England . . . . .	430
A Hollow Truce . . . . .	431
General Court Prorogued . . . . .	431
Session at Cambridge . . . . .	432
Vote of Money . . . . .	433
Gloucester Riot . . . . .	433
Hutchinson surprised into Self-vindication . . . . .	435
Hillsborough's Hasty Decision . . . . .	435
Dispute over the Court's Proper Place of Meeting . . . . .	436
Obstinacy and Prorogation of the Court . . . . .	437
Garrison for Boston Harbor . . . . .	438
Resumption of Legislative Business . . . . .	439
Aggravation of Hutchinson's Despotism . . . . .	440
Franklin Chosen Colonial Agent . . . . .	441
Correspondence with the other Colonies . . . . .	441
Hutchinson appointed Governor . . . . .	442
Continuous Controversy . . . . .	443
Renewed Remonstrance against Place of Legislative Meeting . . . . .	444
The King's Timber . . . . .	445
Vexed Questions . . . . .	446
Financial Issues . . . . .	446
Correspondence Committee . . . . .	447
Validity of Royal Instructions . . . . .	448
Renewed Discussion as to the Location of the Legislature . . . . .	448
Protest of Boston Voters . . . . .	450
Final Removal of the Court to Boston . . . . .	451
Sharp Reply to the Governor . . . . .	452

	Page
Dispute over the Support of the Colonial Government . . . . .	452
Salaries to be Paid by Custom Revenues . . . . .	453
Statement of Wrongs, published for General Circulation . . . . .	454
Hutchinson Displeased . . . . .	455
Parliamentary Supremacy over the Plantations . . . . .	456
Dividing Line between Authority and Independence . . . . .	456
Salaries of the Judges . . . . .	457
Supreme Authority of the Realm . . . . .	458
Dissatisfaction of the Home Government . . . . .	459

## CHAPTER X.

### THE BOSTON TEA-PARTY.

Correspondence of Massachusetts with Virginia . . . . .	460
Mischievous Letters sent to England . . . . .	461
Public Demand for Hutchinson's Documents . . . . .	463
Action of General Court . . . . .	464
Petition for the Removal of Oliver and Hutchinson . . . . .	465
Position of the Council . . . . .	466
Neglect of Legislative Business . . . . .	466
Independency of the Judges . . . . .	467
East India Company and Non-importation . . . . .	468
Tax on Tea . . . . .	469
Franklin's Intimations of Trouble . . . . .	470
Unfounded Jealousy entertained by the British Ministry . . . . .	471
Historic Retrospect . . . . .	471
Contending Elements in the Colonial Mind . . . . .	472
Malign Promotion of Discord . . . . .	473
Arrival of the Tea . . . . .	473
Its Reception in Boston . . . . .	475
Speedy Action Needful . . . . .	475
The Cargo Overboard . . . . .	475
Helplessness of the Governor . . . . .	476
Letters in Reference to Concerted Colonial Action . . . . .	477
Division of the Justices as to their Independency . . . . .	477
Strong Opposition to Chief Justice Oliver . . . . .	478
Doubt about Presenting the Petition . . . . .	479
Urgency of the House . . . . .	480
Articles of Impeachment . . . . .	480
Governor's Objections Overruled . . . . .	481
His Last Controversy with the General Court . . . . .	483
Two Important Events . . . . .	483
Objectionable Officials Upheld . . . . .	484
Mystery of the Abstracted Papers . . . . .	485
Oliver's Death . . . . .	486
Arrival of General Gage . . . . .	486
Hutchinson's Departure . . . . .	487

# CONTENTS.

XXV

	Page
His History of Massachusetts and his Death . . . . .	487
His Mistaken Course . . . . .	487
Perversion of Honor . . . . .	488
Evil Traits . . . . .	489
Disappointed Ambition . . . . .	490

## CHAPTER XI.

### PATRIOTIC ATTITUDE OF THE OTHER NEW ENGLAND COLONIES.

Massachusetts in the Vanguard . . . . .	491
Inaction of New Hampshire . . . . .	491
Patriotism in New York . . . . .	491
Governor Wentworth replaced by his Nephew . . . . .	493
Population of New Hampshire . . . . .	493
County Divisions . . . . .	493
Gubernatorial Salary . . . . .	493
Address to His Majesty . . . . .	494
Reply to Virginia . . . . .	495
Failure of Non-importation in New Hampshire . . . . .	496
Massachusetts Boundary Line . . . . .	497
Litigation over the Territory West of the Connecticut . . . . .	497
Settlers on the Grants . . . . .	498
Governor Tryon's Measures . . . . .	499
Conciliatory Letter . . . . .	500
Suits of Ejectment . . . . .	500
Dispute over the Governor's Lands . . . . .	502
Commendation of Dartmouth College . . . . .	503
New Hampshire's Patriotic Sympathy . . . . .	503
No Stamped Paper in Rhode Island . . . . .	504
Relation to the New York Congress . . . . .	505
Action on the Stamp Question . . . . .	506
Two Parties in the Little State . . . . .	507
Governor Wanton's Courageous Resistance of Hillsborough . . . . .	508
Resistance to Taxation . . . . .	508
Navigation of Narragansett Bay . . . . .	510
Burning of the Gaspee . . . . .	511
Offenders Undiscovered . . . . .	511
Royal Reward Offered . . . . .	512
Proposed Trial of Colonial Offenders in England . . . . .	513
Mr. Rome's Troublesome Letter . . . . .	514
Taxes and the Census . . . . .	515
Fast Day Sermon in Connecticut . . . . .	516
The Sons of Liberty . . . . .	516
Repeal of the Stamp Act . . . . .	517
Pennsylvania Boundary . . . . .	518
English Advice . . . . .	518
Non-importation Agreements . . . . .	519
State of the Connecticut Colony . . . . .	520

## CHAPTER XII.

## THE PORT BILL AND ITS CONSEQUENCES.

	Page
English Excitement over the Destruction of the Tea . . . . .	522
Retaliatory Measures Proposed . . . . .	523
The Bill Debated and Passed . . . . .	524
More Stringent Bill Introduced . . . . .	525
Royalist Opposition . . . . .	526
Bill to Authorize Change of Venue . . . . .	526
Disapproval of Milder Measures . . . . .	527
Quartering of Troops in the Provinces . . . . .	527
Chatham's Wiser Counsel . . . . .	527
A Last Government Arrow . . . . .	528
Gage's Arrival in Boston . . . . .	529
Circulation of Copies of the Port Bill . . . . .	529
Meeting of the General Court in Salem . . . . .	529
Massachusetts Advises a General Congress . . . . .	530
Last Message of a Royal Governor . . . . .	531
The Harbor Closed . . . . .	531
General Mourning . . . . .	532
Stagnation and Want . . . . .	532
Arrival of Troops . . . . .	533
Seizure of Ammunition . . . . .	533
Martial Spirit Aroused . . . . .	534
Charter Virtually Abrogated . . . . .	535
Mandamus Counsellors . . . . .	535
Widespread Uneasiness . . . . .	535
Congress at Philadelphia . . . . .	535
Concerted Colonial Action . . . . .	536
Delegates to the Convention . . . . .	537
Consideration of Violated Rights . . . . .	538
Congressional Sympathy with Massachusetts . . . . .	538
Advice against British Trade . . . . .	539
Address of Remonstrance to Governor Gage . . . . .	540
Endorsement of Massachusetts Resistance . . . . .	541
Non-consumption Association . . . . .	541
Addresses and Letters to the King and others . . . . .	542
Congressional Action approved by the Colonies . . . . .	542
Provincial Congress assembles in Three Massachusetts Towns . . . . .	543
Counsellors called to Account . . . . .	544
Committee of Safety Appointed . . . . .	544
Organization of Minute Men . . . . .	544
Agreement of the Continental and Provincial Congresses . . . . .	545
Important Provisions for the Future . . . . .	546

CHAPTER XIII.

<b>FIRST BATTLES OF THE REVOLUTION.</b>	<b>Page</b>
The King's Address to the New Parliament . . . . .	547
Burke's Friendship for the Colonies . . . . .	548
Papers Presented . . . . .	548
Reconciliation Advised . . . . .	549
Remonstrance of London Merchants . . . . .	550
Chatham's Bill . . . . .	550
Its Rejection by the Lords . . . . .	552
The Existence of Rebellion recognized by the Commons . . . . .	553
Two Oppressive Bills . . . . .	553
North's Proposition for Conciliation . . . . .	554
The motto, Divide and Rule . . . . .	555
Attack on Portsmouth Fort . . . . .	556
Another Provincial Congress . . . . .	556
Charters in Peril . . . . .	556
Encouragement from Sister Colonies . . . . .	557
Adoption of Protective Measures . . . . .	557
Turbulence in the New Hampshire Grants . . . . .	559
Driving the Colonies into Self-dependence . . . . .	559
Gage not Inactive . . . . .	560
Defeat of his Salem Expedition . . . . .	561
Aid sought by the Patriots through the Press and otherwise . . . . .	561
Adoption of a Code of Martial Law . . . . .	562
Military Plans . . . . .	562
The Rising not Hasty but Premeditated . . . . .	562
War for War . . . . .	562
Lexington and Concord . . . . .	563
Battle of Bunker Hill . . . . .	564
Appointment of Washington as Commander-in-Chief . . . . .	565

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APPENDIX.

<b>LIST OF NEW ENGLAND MAGISTRATES FROM 1741 TO 1775 . . . . .</b>	<b>567</b>
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<b>INDEX . . . . .</b>	<b>573</b>
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# **BOOK V.**

**PROGRESS UNDER THE FIRST TWO  
HANOVERIAN KINGS.**

**(Continued.)**



# HISTORY OF NEW ENGLAND.

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## BOOK V.

### PROGRESS UNDER THE FIRST TWO HANOVERIAN KINGS.

#### CHAPTER VIII.

THOUGH, when religion was no longer the occasion for experience or apprehension of oppressive treatment on the part of the parent realm, it ceased to be the animating spirit of political action in New England, it by no means failed to be a subject of permanent and intimate concern. Numbers of the people of that country of the fourth native generation deplored the departure of what they had been educated to regard as a sort of golden age. Thoughtful and devout men looked back to the time when sublime exploits and sacrifices had attested the religious earnestness of their fathers, and, comparing it with their own day of absorption in secular interests, of relaxation in ecclesiastical discipline, and of imputed laxness of manners, they mourned that the ancient glory had been dimmed.<sup>1</sup> The contrast made a standing topic of the election sermons preached before the government from year to year, from the time of John Norton down.

Alleged  
decay of  
religion  
in New  
England.

<sup>1</sup> Thomas Prince, *Christian History*, I. 76, 94-104. — In his "Life and Times of the Reverend George Whitefield," pp. 144, 145, Robert Philip, to make manifest that a dig-

*nus vindice nodus* existed, collects testimonies to the decline of religious fervor in New England since the middle of the seventeenth century.

When military movements miscarried, when harvests failed, when epidemic sickness brought alarm and sorrow, when an earthquake spread consternation, the anxious people interpreted the calamity or the portent as a sign of God's displeasure against their backsliding, and appointed fasts to deprecate his wrath, or resorted to the more solemn expedient of convoking synods to inquire into the conditions of reconciliation to the offended Majesty of Heaven.

That religion, so sickly, might be reinvigorated was the constant hope and aim of numbers of reflecting persons. From time to time there would be reports of remarkable success attending the labors of one or another devoted

Revivals of  
religion.  
1680  
1684.  
1697.  
1713.  
1719.  
minister. Among such Mr. Solomon Stoddard was distinguished. In his ministry of nearly sixty years at Northampton, "he had five harvests, as he called them;"<sup>1</sup> that is, there were five different times at which a large number of

persons professed religious convictions, and attached themselves to his church. The earthquake which, in Lieutenant-Governor Dummer's time, traversed a considerable part of inhabited New England, was interpreted as a providential warning, and the ministers of various places, of Boston especially, availed themselves of the terror which it inspired as an instrument of religious impression.<sup>2</sup> The shock was felt just before midnight. "On the next

1727.  
Oct. 29. morning a very full assembly met at the North Church [Cotton Mather's] for the proper exercises on so extraordinary an occasion. At five in the evening a crowded concourse assembled at the Old Church [Dr. Chauncy's], and multitudes, unable to get in, immediately flowed to the South [Mr. Prince's], and in a few minutes filled that also. . . . At Lieutenant-Governor Dum-

<sup>1</sup> Edwards, Faithful Narrative of the Surprising Work of God, &c., p. 4. to the religious impression produced by it. "It pleased the holy God to humble us, and sparingly to give the blessing." (Prince, Christian History, II. 375.)

<sup>2</sup> The visitation of the small-pox in 1721 disappointed the ministers as

mer's motion, . . . . a day of extraordinary fasting and prayer was kept in all the churches in Boston. . . . . The ministers endeavored to set in with this extraordinary and awakening work of God in nature, and to preach his word in the most awakening manner;" and "in all the congregations many seemed to be awakened and reformed."<sup>1</sup>

But it was not till after the time of the political lull in Governor Belcher's administration, that in any quarter a religious movement took place of sufficient importance to attract wide attention. Stoddard had now been succeeded as minister of Northampton by Jonathan Edwards, his grandson. In Edwards's judgment the people were suffering from want of a sufficiently distinct Ministry of Jonathan Edwards. and vivid presentation of Calvinistic doctrine. He preached vehemently on "Justification by Faith" and "God's Absolute Sovereignty." Some of his friends were displeased, not by his doctrine, but by his exciting inferences from it, and would have discouraged him. But with an unimpassioned obstinacy he went on, and soon saw cause to rejoice in the fruit of his labors. "The spirit of God," he writes, "began extraordinarily 1734. to set in and wonderfully to work among us; and December. there were very suddenly, one after another, five or six persons who were to all appearance savingly converted, and some of them wrought upon in a very remarkable

<sup>1</sup> Prince, *Christian History*, II. 377, 378; comp. *Ibid.*, I. 114; *Hutch. Hist.*, II. 326. Reverend James Allin, of Brookline, wrote a particular account of the earthquake, from which portions are published in the *Proceedings of the Historical Society* for 1872, p. 249. Colman, Prince, and not a few others, published sermons on the occasion. (*Comp. Mass. Hist. Coll.*, XXXII. 175; *N. H. Hist. Coll.*, IV. 92.)

The "Christian History" was issued in weekly numbers from March 5, 1743, to Feb. 23, 1745. Writing to his kinsman, Nathaniel Chauncy, of Durham, Connecticut, March 16, 1743, Dr. Chauncy said: "Few among us like it. Many of Mr. Prince's parishioners are much troubled at it. I believe 't is not much encouraged, and will drop off of itself." (*Fowler, Memorials of the Chauncys, &c.*, 65.)

manner. . . . . A great and earnest concern about the great things of religion and the eternal world became universal in all parts of the town, and among persons of all degrees and all ages; the noise among the dry bones waxed louder and louder; all other talk but about spiritual and eternal things was soon thrown by. . . . . Other discourse than of the things of religion would scarcely be tolerated in any company. . . . . There was scarcely a single person in the town, either old or young, that was left unconcerned; so that, in the spring and summer following, the town seemed to be full of the presence of God; it never was so full of love, nor so full of joy, and yet so full of distress, as it was then.”<sup>1</sup>

Religious  
excitement  
in western  
Massachu-  
setts.  
1735.

The people of the towns about “seemed not to know what to make of it; and there were many that scoffed at and ridiculed it, and some compared what was called conversion to certain distempers.” But a session of the Superior Court at Northampton brought numbers of people together there, and “those that came from the neighborhood were for the most part remarkably affected. Many . . . . . went home with wounded hearts, and with those impressions that never wore off till they had hopefully a saving issue. . . . . The same work began evidently to appear and prevail in several other towns in the county.” South Hadley, Hadley, Suffield, Sunderland, Deerfield, Hatfield, Springfield, West Springfield, Longmeadow, Northfield, besides many towns in Connecticut, caught the sympathy, and made their large contributions of converts,—as large, Edwards thought, in proportion to their population, as Northampton. Of his own town he wrote: “I hope that more than three hundred souls were savingly brought home to Christ in the space of half a year; how many more I don’t guess, and

March.

<sup>1</sup> Edwards, Faithful Narrative, &c., 10-14.

about the same number of males as females. . . . . I hope that by far the greater part of persons in the town above sixteen years of age were such as had the saving knowledge of Jesus Christ, and so, by what I heard, I suppose it is in some other places. . . . . So far as I, by looking back, can judge from the particular acquaintance I have had with souls in this work, it appears to me probable to have been at the rate, at least, of four persons in a day, or near thirty in a week, take one with another, for five or six weeks together." About six hundred and twenty came to his communion-table, being nearly the whole number of adults in his congregation. At one communion service a hundred new participants presented themselves; at another, eighty. Among his converts, ten were above sixty years of age, and two above seventy; "near thirty were to appearance so wrought upon, between ten and fourteen years of age; and two between nine and ten, and one of about four years of age."<sup>1</sup>

The excitement, which in Massachusetts had been confined to towns on or near Connecticut River, ceased after about six months. Dr. Colman, of Boston, sent an account of it to England, and, in pursuance of a request from his correspondents there, obtained from Edwards a detailed description in a long letter, which was published in London by Dr. Watts and Dr. Guise, and from which the facts related above have been taken. The ministers of Boston kept the subject before the public mind. They circulated an edition of Dr. Edwards's letter, and several sermons, which were considered to have been serviceable in the recent movement. Dr. Colman did more. He sent an invitation to George Whitefield to visit New England; and, in conjunction with his colleague, William Cooper, prepared a reception for the English

Report of it  
in England.  
1737.  
Nov. 26.

1738.

1740.

<sup>1</sup> Edwards, Faithful Narrative, &c., 17-29.



heresiarch by publishing a sermon full of laudation of his gifts and graces,—a work of Josiah Smith, of South Carolina,<sup>1</sup> which the ministers of the Brattle Street Church prefaced by a eulogistic memoir of their own. Whitefield was now twenty-six years old. A year before he had been ordained a priest of the Church of England. He was at this time on his second visit to America, where his principal business had been the establishing of a hospital for orphans in General Oglethorpe's recently constituted Colony of Georgia.<sup>2</sup>

The marvellous preacher was received in New England with flattering honors. From Charleston, in South Carolina, he came by water to Newport, arriving at that place with the advantage of a favorable change of wind, which, as well as the offer of a lodging presently made to him by a hospitable stranger, he understood to be due to his prayers.<sup>3</sup> In three days he preached six times at Newport to large assemblies.<sup>4</sup>

George  
Whitefield  
in New  
England.  
Sept. 14.

Four miles from Boston he was met on his way by "the Governor's son and several other gentle-

Sept. 18.

<sup>1</sup> The Character, Preaching, &c., of the Reverend Mr. George Whitefield, &c.

<sup>2</sup> Whitefield, born in 1714, was admitted to deacon's orders in the Church of England in 1736, "being then twenty-one years and seven months old." (Whitefield, Brief and General Account of the First Part of the Life of the Reverend Mr. George Whitefield, p. 49.) In 1738 he went, at the invitation of the Wesleys, as a missionary to Georgia. He returned thence at the end of the same year, and was ordained in England as a priest. In the following year he came to Philadelphia, at which place, as well as at New York, and several towns in New Jersey, he preached with brilliant success. Thence he turned his steps

to Savannah, and next to Charleston, whence Dr. Colman summoned him to New England.

Dr. Trumbull is careful to record that Whitefield did but fan and spread in New England a flame which was already blazing before he appeared. "In 1740, there began a very great and general concern among the people. . . . The sinners in Zion were afraid, and fearfulness surprised the hypocrites. The children of God received the fresh anointings of His Spirit, and the spices of their gardens flowed out. The bride, in happy union with the Spirit, said, 'Come.' " (History of Connecticut, II. 143; comp. 151.)

<sup>3</sup> Whitefield, Seventh Journal, 17, 18.

<sup>4</sup> Ibid., 19-22.

men," who had come out to conduct him to that place. On the following day he "was visited by several gentlemen and ministers, and went to the Governor's with Esquire Willard, Secretary of the Province, a man fearing God;" after which he "preached to about four thousand people in Dr. Colman's meeting-house, and, as he afterwards was told by several, with great success." The next day he "preached in the morning with much freedom and power to about six thousand hearers, in the Reverend Dr. Sewall's meeting-house," and afterward on the Common to about eight thousand, and again at night to a company which crowded his lodgings. Then came a Sunday, when he had an audience of "about fifteen thousand," not far from three quarters as many as the whole population of the town.<sup>1</sup>

He remained ten days in Boston, exerting his prodigious powers of oratory with the same success as had attended them elsewhere. Crowds, listening to him, were dissolved in tears, and "cried out under the word like persons that were really hungering and thirsting after righteousness."<sup>2</sup> Then he made a journey of a week to the eastward as far as York, preaching to great congregations in all the principal towns on the way. "Though," he writes, "I had rode a hundred and seventy-eight miles, and preached sixteen times, I trust, to the great benefit of thousands, yet I was not in the least wearied or fatigued." At Hampton he addressed "some thousands in the open air," but "not with so much freedom as usual. The wind was almost too high for him. Some, though not many, were affected." At Portsmouth he had "preached to a polite auditory, and so very unconcerned that he began to question whether he had been

Effects of  
his preach-  
ing.

Sept. 29-  
Oct. 6.

<sup>1</sup> Whitefield, Seventh Journal, 23-26; comp. Prince, Christian History, II. 379-381. Drake (History and Antiquities of Boston, 615) computes the population of Boston at 18,000 in 1742.

<sup>2</sup> Whitefield, Seventh Journal, 27-30.

preaching to rational or brute creatures." But in a second trial, on his way back, he subdued them, and recovered his self-satisfaction. "Instead of preaching to dead stocks, I had now reason to believe I was preaching to living men. People began to melt soon after I began to pray, and the power increased more and more during the whole sermon. The word seemed to pierce through and through." This success put him in condition, and he "hastened after dinner to Hampton, and preached to some thousands of people with a good deal of life and power."<sup>1</sup> The last day of a week passed at Boston, where he had spoken two or three times every day, he "went with the Governor [Belcher] in his coach to the Common, where he preached his farewell sermon to near thirty thousand people." "I have observed," he records, "that I have had greater power than ordinary whenever the Governor has been at public worship; a sign this, I hope, that the Most High intends to set him at his right hand."<sup>2</sup>

His journal records the impressions which he carried away from the chief town of America. "Boston is a large, populous place, very wealthy. Has the form kept up, but has lost much of the power of religion. . . . Ministers and people are obliged to confess that the love of many is waxed cold. Both, for the generality, seem to be too much conformed to the world. There's much of the pride of life to be seen in their assemblies. Jewels, patches, and gay apparel are commonly worn by the female sex, and even the common people I observe dressed up in the pride of life. And the little infants that were brought to baptism were wrapped up in such fine things, and so much pains taken to dress them, that one would think they were brought thither to be initiated into, rather than renounce, the pomps and

His estimation of Boston.

<sup>1</sup> Whitefield, Seventh Journal, 32-35.

<sup>2</sup> Ibid., 41, 44.

vanities of this wicked world." But other things looked more favorably. "One thing Boston is very remarkable for, the external observation of the Sabbath. Men in civil offices have a regard for religion. The Governor encourages them, and the ministers and magistrates are more united than in any other place where I have been. I never saw so little scoffing; never had so little opposition. . . . Boston people are dear to my soul. They were greatly affected by the word, followed night and day, and were very liberal to my dear orphans."<sup>1</sup>

Leaving Boston, Whitefield, still preaching as he went, proceeded through Worcester and Brook-  
Oct. 13.  
 field towards the river towns. He was especially desirous to see Edwards, and the scene of the revival which had made so much noise five years before. No  
His visit to Jonathan Edwards.  
 minds could be more unlike than those of Edwards and Whitefield. The marvellous subtilty of the metaphysical divine and the histrionic power of the irresistible speaker had nothing of themselves in common. But the widely dissimilar attributes belonged respectively to two men who were thoroughly in earnest in the pursuit of the same transcendent object, and they met with the most affectionate recognition of each other. Whitefield thought of Edwards that he had not "seen his fellow in all New England." Edwards paid his tribute to Whitefield's powers when he "wept during the whole time of exercise." "Lately the people of God," writes the visitor, "have complained of deadness and losing their first love; however, as soon as I mentioned what God had done for their souls formerly, it was like putting fire to tinder."<sup>2</sup>

From Northampton, after a week's stay in that  
Oct. 20.  
 neighborhood, Whitefield took his journey southward, and, after preaching more than a week in the chief towns of Connecticut on the river and along the south-

<sup>1</sup> Whitefield, Seventh Journal, 42, 43.

<sup>2</sup> Ibid., 45, 47.

western coast, proceeded through the middle Provinces to his temporary home in Georgia. "I think it proper," he wrote, "to set up my Ebenezer, before I enter into the Province of New York, to give God thanks for sending me to New England. . . . . It certainly, on many ac-

counts, exceeds all other Provinces in America, and for the establishment of religion perhaps all other parts of the world. . . . . In short, I like

His estimation of New England.

New England exceeding well; and when a spirit of reformation revives, it certainly will prevail more than in any other place, because they are simple in their worship, less corrupt in their principles, and consequently easier to be brought over to the form of sound words, into which so many of their pious ancestors were delivered."<sup>1</sup>

"Upon Mr. Whitefield's leaving us," writes Dr. Prince, one of the chroniclers of these transactions, "great numbers in the town were so happily concerned about their souls, as we had never seen any thing like it before, except at the time of the general earthquake. . . . . Our assemblies, both on lectures and Sabbaths, were surprisingly increased, and now the people wanted to hear us oftener, in consideration of which a public lecture was

Oct. 21. proposed to be set up at Dr. Colman's church, near the midst of the town, on every Tuesday evening. . . . . When the evening came, the house seemed to be crowded as much as if Mr. Whitefield was there. It was the first stated evening lecture in these parts of the world."<sup>2</sup> The sermon preached on that occasion by Dr. Colman, entitled "Souls flying to Jesus Christ pleasant and admirable to behold," is in print.

The blow which had been struck by Whitefield was followed up by Gilbert Tennent, a Presbyterian minister of New Brunswick, in New Jersey. The year before White-

<sup>1</sup> Whitefield, Seventh Journal, 54, 55.

<sup>2</sup> Prince, Christian History, &c., II. 381, 382.

field came to Massachusetts he had visited Tennent, and been much impressed by his preaching. "Never before," he wrote, "heard I such a searching sermon. . . . I found what a babe and novice I was in the things of God."<sup>1</sup> Tennent came to Boston a few weeks after Whitefield's departure thence. He was very competent to take advantage of the excited state in which he found the town. Under his appliances "the people appeared to be yet much more awakened about their souls than before." His preaching, in a different style from Whitefield's, was perhaps not less effective. Whitefield's "was in the manner moving, earnest, winning, melting." Tennent's was "terrible and searching. . . . He seemed to have no regard to please the eyes of his hearers with agreeable gesture, nor their ears with delivery, nor their fancy with language." But "he seemed to have a deep acquaintance with the experimental part of religion. . . . His preaching was searching and rousing."<sup>2</sup>

Gilbert  
Tennent  
in New  
England.  
Dec. 13.

He remained in and about Boston between two and three months, effectually enforcing the impression which had been made by his friend. The ministers of the place were now incessantly occupied with public services and with the reception at their houses of applicants for instruction and advice. "Mr. Cooper [Colman's colleague] was wont to say that more came to him in this one awakening in deep concern about their souls than in the whole twenty-four years of his preceding ministry. . . . He has had about six hundred different persons in three months' time. And Mr. Webb . . . has had in the same space above a thousand." The weekly evening lecture at the church in Brattle Street was found insufficient, and another was instituted at the South Church, and yet another to be held twice a

1741.  
March 3.

April 17.

<sup>1</sup> Whitefield, Fourth Journal, 85, 86.

<sup>2</sup> Prince, Christian History, &c., II. 384-387.

week in one of the two churches at the North End of the town, while more private religious meetings were conducted by the ministers on the evenings of every day in the week, except Saturday. Hundreds of converts were received to the communion. Persons not converted were sobered, so that the whole social aspect seemed changed. "Even the negroes and boys in the streets surprisingly left their usual rudeness. . . . . Taverns, dancing-schools, and such meetings as had been called assemblies . . . . . were much less frequented. Many reduced their dress and apparel." And it was "both surprising and pleasant to see how some younger people, and of that sex too which is most fond of such vanities, put off the bravery of their ornaments, as the effect and indication of their seeking the inward glories of the King's daughter."<sup>1</sup>

Tennent went to Portsmouth, and followed up Whitefield's labors there with equally striking success. Mr. Cooper, of Boston, and other ministers from abroad, contributed their services to the excitement in that region. On one occasion, "before the body of the people had left the place of public worship [in Portsmouth], the chimney of a house that stood near to it happening to take fire and blaze out to an uncommon degree, upon the sudden appearance of the light breaking in at the several windows there was a cry made that Christ was coming to judgment, which being really believed by a great many, some that were not before so much affected as others were put into the deepest distress, and great numbers had their convictions hereby strengthened and confirmed."<sup>2</sup>

"With the common mixture of remaining infirmities and corruptions," things went on most satisfactorily for nearly two years after Whitefield's appearance in Boston, at the end of which time the movement "unexpectedly

<sup>1</sup> Prince, *Christian History, &c.*, II. 301-309.

<sup>2</sup> *Ibid.*, I. 385; comp. Tracy, *Great Awakening*, 179-183.



came to an unhappy period."<sup>1</sup> James Davenport, minister of Southhold, on Long Island, was a person peculiarly esteemed by Whitefield and Tennent and their circle. His temperament was intensely enthusiastic, and the spirit of the times intoxicated him. What he heard, before they had met, of Whitefield's successes, wrought him up to an unselfish frenzy of emulation. He is said to have begun by addressing his congregation in a discourse nearly twenty-four hours long, an exertion which brought on a brain fever. He promised to cure a sick woman by praying, and when she died he pronounced that to be her recovery. He hesitated to preach beyond the limits of his own parish till he understood himself to be instructed to that effect by opening his Bible at the passage where Jonathan and his armor-bearer are related to have assailed the Philistine camp. Thus encouraged, he went to the neighboring town of Easthampton, wading up to his knees in snow, and had the satisfaction there of making twenty converts. In New York and New Jersey he heard from Whitefield himself of the recent successes of the great preacher in Massachusetts. He went in Whitefield's train to Philadelphia, but in the following summer he returned to the North, and at Stonington, in Connecticut, is said to have "convicted" nearly a hundred persons in a single sermon, and registered about that number of converts in a week. He even stepped across the border of Rhode Island, and flattered himself that he had some harvest from that rugged soil.<sup>2</sup>

James  
Davenport,  
of Long  
Island.

1740.  
October-  
November.

1741.  
July.

Davenport's doctrine was conceited and exclusive. He went about the towns telling the people in one and another of them that they were imperilling their souls by listening to an unconverted minister. He waited on the ministers, as he journeyed, asking them for a recital of their relig-

<sup>1</sup> Prince, *Christian History*, &c., II. 406.

<sup>2</sup> *Ibid.*, 113, 115, 153; Tracy, *Great Awakening*, 230-235.



ious experience, which, if his request were granted, he often found unsatisfactory, and denounced them accordingly, as well as when they declined to gratify his curiosity. The credit of being esteemed by Whitefield was for a time an advantage to him, but he presumed upon it, and gave reckless provocation.

Davenport  
in Massa-  
chusetts.  
1742.  
June 25.

After a turbulent career in Connecticut, Davenport came to Massachusetts. At Charlestown he attended public worship in the first part of the Sunday next after his arrival, but remained at his lodging in the afternoon, saying that the minister was unconverted. The Boston ministers heard of this stricture, as they had already heard many other offensive things of him. The next day he came to town, where the ministers were holding their customary monthly meeting. They sent and invited him to a conference, in which were discussed his past course and his views and purposes. The result was

July 1. that, with the ministers of Charlestown, they published a "declaration of their judgment concerning him," which would have been unanimous, but that it wanted the name of Chauncy. They declared that "he appeared to be truly pious," and that they "hoped that God had used him as an instrument to many souls;" yet they deemed it their duty "to bear their testimony against the following particulars: 1. His being acted much by sudden impulses; 2. His judging some ministers in Long Island and New England to be unconverted, and his thinking himself called of God to demand of his brethren from place to place an account of their regenerate state; 3. His going with his friends singing through the streets and highways, to and from the houses of worship on Lord's days and other days; 4. His encouraging private brethren (*i. e.*, who are not probationers for the ministry) to pray and exhort (*i. e.*, like ministers) in assemblies gathered for that purpose." They judged it, therefore, they added, to be "their present duty not to invite him into their places

of public worship, as otherwise they might have readily done." And they availed themselves of the opportunity to repeat their testimony to "the great and glorious work of God, which of his free grace he has begun and is carrying on in many parts of this and the neighboring Provinces, beseeching him to preserve, defend, maintain, and propagate it, in spite of all the devices of Satan against it of one kind or other; that, however it may suffer by the imprudence of its friends, or by the virulent opposition of its enemies, yet it may stand as on the rock, and the gates of hell may never prevail against it."

Excluded from the pulpits, Davenport took to the open air. He preached on Boston Common, and on Copp's Hill, at the north end of the town, at which places the reputation that had preceded him assembled large audiences. The divisions which he excited gave a check to the movement, which had heretofore gone on so triumphantly. He arraigned the ministers hitherto so revered and trusted, "naming some as unconverted, representing the rest as Jehosaphat in Ahab's army, and exhorting the people to separate from them, which so diverted the minds of many from being concerned about their own conversion to think and dispute about the case of others, as not only seemed to put an awful stop to their awakenings, but also on all sides to roil passions and provoke the Holy Spirit in a gradual and dreadful measure to withdraw his influence."<sup>1</sup> The grand jury found a bill against Davenport for uttering "many slanderous and reviling speeches Aug. 19. against the godly and faithful ministers of this Province." At his trial it was proved, among other things of Aug. 24. the same kind, that in a prayer on Copp's Hill he had said, "Good Lord, I will not mince the matter any longer with thee, for thou knowest that I know that most

<sup>1</sup> Tracy, *Great Awakening*, 241-243; comp. Prince, *Christian History*, II. 407, 408.

of the ministers of the town of Boston and of the country are unconverted, and are leading their people blindfold to hell." The jury found the fact, but returned a verdict of *not guilty*, on the ground that "the said James Davenport, at the time when he uttered these words, was *non compos mentis*." Several of the Boston ministers addressed a memorial to the Court in his behalf.<sup>1</sup>

The censorious criticisms of Davenport impaired in many minds the influence of the pastors of the churches.

Reaction from the excitement. Sharp controversies were waged about the signs and assurances of conversion. The extremists wrought themselves up into extraordinary agitations, the more violent for the opposition with which their encroachments were repelled. In hope of assuaging

August. the tumult, the Boston ministers published, with approving testimonies of their own, two treatises,

December. one of them by Tennent, the other by Dickinson, another Presbyterian clergyman of New Jersey, who had been in the van of the movement.<sup>2</sup> But nothing short of the most extravagant statements and measures would now satisfy those who aspired to the lead, and the defensive attitude into which the natural guides of opinion were forced forbade their being any longer efficient in the labors of conversion. Nor was this all. The recent extravagances threw a shade of odium over the more moderate fervors which had gone before, and not a few who had distrusted them all along, or who had shared in them with more or less misgiving, began to avow their doubts, and to stimulate the inquiry how much of the recent excitement had been healthy and profitable, and how much of it had been due to imagination, passion, and contagion.

<sup>1</sup> Tracy, *Great Awakening*, 247, 248; Chauncy, *Seasonable Thoughts*, &c., 151 *et seq.*, 139 *et seq.*

<sup>2</sup> Prince, *Christian History*, &c.,

II. 409, 411.

At the next annual meeting of the ministers of the Province at the time of the General Election, the subject of the revival could not fail to present itself. The result of their deliberations took shape in a published "Testimony" of "the Pastors of the Churches of Christ in the Province of Massachusetts Bay" against "several Errors in Doctrine and Disorders in Practice, that have of late obtained in various Parts of the Land." The errors in doctrine they found to be similar to those which had prevailed a century before in the time of Mrs. Hutchinson, and which had been "testified against and confuted . . . . in the Acts of the Synod" of that period, "as printed in a book entitled 'The Rise, Reign, and Ruin of Antinomianism, etc., in New England.'" The disorders complained of were the "itinerancy" of persons who preached without the leave of the local pastors; the assumption of the sacred functions by "private persons of no education, and but low attainments;" "the ordaining or separating of persons to the work of the evangelical ministry at large, and without any special relation to a particular charge;" "the spirit and practice of separation from the particular flocks to which persons belong, to join themselves with and support lay exhorters and itinerants;" assumption of "the prerogatives of God, to look into and judge the hearts of their neighbors, censure and condemn their brethren, especially their ministers;" "the many confusions that had appeared in some places from the vanity of mind and ungoverned passions of people . . . . with disorderly tumults and indecent behaviors."<sup>1</sup> The debate on the adoption of this manifesto was an animated, not to say an

Deliberations of the ministers.  
1743.  
May 25.

<sup>1</sup> Chauncy, *Seasonable Thoughts on the State of Religion in New England, &c.*, 297-301. In the long Preface to this elaborate work, Dr. Chauncy labored the point of the resemblance of what was passing before his eyes to the Antinomian extravagances which had troubled the Colony, and especially his own church, a little more than a century before. (See above, Vol. I. 472 *et seq.*)

angry one. The minority complained of being treated with injustice. The paper was declared to be adopted by a majority casting thirty-eight votes; but some said that the number of affirmative votes was less, and some that it was greater.<sup>1</sup>

Of course the decision of so small a proportion of the ministers of the Province could not put the dispute to rest. A call was immediately issued for another  
May 27. meeting, to be held on the day after the approaching Commencement. Ninety ministers came together.

July 7. Dr. Colman was chosen moderator of the Assembly, and, when he declined to serve, Dr. Sewall. The ministers issued a paper which they entitled their "Testimony and Advice." They declared their "full persuasion . . . . that there has been a happy and remarkable revival of religion in many parts of this land through an uncommon divine influence. . . . . The present work," they said, "appears to be remarkable and extraordinary, on account of the numbers wrought upon, . . . . and these persons of all characters and ages; with regard to the suddenness and quick progress of it;" and "in respect to the degree of operation, both in a way of terror and in a way of consolation, attended in many with unusual bodily effects." The results of the excitement they estimated with great modesty and calmness. "With respect to numbers of those who had been under the impressions of the present day," they found themselves bound to "declare that there was good ground to believe they were become real Christians," though "indeed many who appeared to be under convictions, and were much altered in their external behavior, while this work began, and while it was most flourishing, had lost their impressions, and were relapsed into their former manner of life." They avowed themselves to "be grieved at any accounts

<sup>1</sup> Tracy, Great Awakening, 286-292.

sent abroad, representing this work as all enthusiasm, delusion, and disorder." They lamented that "in some places many irregularities and extravagances had been permitted to accompany it," and they admonished their flocks that, in their care "to avoid Arminianism, they should not verge to the opposite side of Antinomianism;" that laymen should not "invade the ministerial office;" that ministers should not "invade the province of others;" that "people should beware of entertaining prejudices against their own pastors, and not run into unscriptural separations," nor "indulge a disputatious spirit, nor discover a spirit of censoriousness, uncharitableness, and rash judging." But above all, and notwithstanding all of these kinds of disorder that might have taken place, they "most earnestly warned all sorts of persons not to despise those outpourings of the Spirit, lest a holy God be provoked to withhold them, and instead thereof to pour out upon this people the vials of his wrath, in temporal judgments and spiritual plagues."

The sixty-eight names subscribed to this paper represented eminently the wisdom and worth of Massachusetts.<sup>1</sup> Nevertheless, there were not a few respected ministers, besides those who had taken the opposite ground in the public discussion, and a still larger proportion of thoughtful and religious laymen, who saw the recent transactions in a less favorable light; and the public mind, lately wrought up to such tumults of emotion, was not only no longer so susceptible, but had become affected with some disgust. It was only four years after Whitefield's first visit that Thomas Prince found occasion to record that "the sovereign Spirit, in his awakening influence, . . . . has seemed these two last years in a gradual and awful manner to withdraw. For a twelve-month I have rarely heard the cry of any new ones,

1744.

Nov. 26.

<sup>1</sup> Prince, *Christian History, &c.*, I. 155-166; comp. 167-201.

‘What shall I do to be saved?’ But few are now added to our churches, and the heavenly shower in Boston seems to be over.”<sup>1</sup>

After an absence fraught with results so disappointing, Whitefield came a second time to New England, arriving by sea at York, in Maine. In the divided state of opinion, his reception was less flattering than it had been before, nor are such triumphs as he had once won of a nature to be repeated in the same field. Proceeding southward, he was detained at Portsmouth two or three weeks by illness, and scarcely appeared abroad except once, when he was borne from the pulpit so exhausted that fears were entertained for his life. Thence

Oct. 19. he travelled to Boston, where he preached in several of the churches. At Dr. Colman’s request, he administered the communion in the church in Brattle Street. This occasioned much complaint, on the alleged ground that Whitefield was in orders in the Church of England.<sup>2</sup> The newspapers began to assail him, carrying their animosity so far as to charge him with dishonest use of the funds collected by him for his orphan house.

Dec. 26. Two associations of ministers in Essex County united in a set rebuke to the Boston ministers for inviting him to their pulpits. The Faculty of Harvard

Dec. 28. College (then under the Presidency of Edward Holyoke) published a “testimony” against him. Besides their objections to “his going about in an itinerant way,” as being “utterly inconsistent with the peace and order, if not the very being, of these churches of Christ,” they charged him with being an “enthusiast,” acting “either according to dreams, or some sudden impulses and impressions upon his mind;” and with being “an uncharitable, censorious, and slanderous man,” and a

<sup>1</sup> Prince, Christian History, II. 414.

<sup>2</sup> Tracy, Great Awakening, 340-344.



"deluder of the people." They pronounced his account of the state of religion in the College to be "a most wicked and libellous falsehood."<sup>1</sup> The association of clergymen about Cambridge passed a unanimous vote that they would not receive him. An assembly of pastors convened at Weymouth published their concurrence in the views of the College Faculty, and along with it expressions of the sympathy of other respected preachers. Several ministers of the county of Bristol, and a meeting of ministers at Marlborough, besides the Faculty of the College in Connecticut a little later, announced their approbation of the sentiments expressed by President Holyoke and his associates.<sup>2</sup>

Whitefield was sore beset. In letters to various friends, he expressed more diffidence than might have been expected from a young man who had drunk so deeply into the intoxication of popular applause. "Wild fire," he wrote, "will necessarily blend itself with the pure fire that comes from God's altar. . . . It broke out and spread itself by the instrumentality of many good souls, who, mistaking fancy for faith and imagination for revelation, were guilty of great imprudence. . . . Some unguarded expressions, in the heat of less experienced youth, I certainly did drop. I was too precipitate in hearkening to and publishing private information, and, Peter-like, cut off too many ears." The tone of the defences which he judged it necessary to make was generally forbearing, and sometimes even self-distrustful. Continuing to assert the integrity of his purpose, and the usefulness of his labors, he allowed that he had been "too unguarded" in his censures of ministers. He assured the

1745.

Jan. 1.

Jan. 15.

Jan. 22.

Feb. 25.

Jan. 18.

Feb. 19.

His moderate pretensions.

Jan. 18.

Jan. 23.

<sup>1</sup> Quincy, Harvard University, II. 353, 356-360, 362, 367; comp. Quincy, 48 *et seq.* Harvard University, II. 40-53.

<sup>2</sup> Tracy, Great Awakening, 345-



Faculty of Harvard College of his "sorrow that he had published his private informations, though from credible persons, concerning the Colleges, to the world." He justified his "itinerancy" by the example of Knox and other reformers. He protested that he had "no intention of setting up a party for himself, or to stir up people against their pastors."<sup>1</sup>

The flame which had burned so fiercely had consumed its fuel. It was going out, and would not be rekindled. Whitefield soon left Massachusetts, after some journeys to towns at the eastward.<sup>2</sup> He was still followed by admirers, but the former tokens of his power were not repeated. Another fervid excitement, presently to be mentioned, of a different character, had taken possession of the public mind. He came to Boston again for a short time

1754.

1764.

His death  
and burial.

1770.

Sept. 30.

in the summer, and again at different times in later years,<sup>3</sup> ending his days at the neighboring town of Newburyport, where is pointed out the place of his burial, beneath the pulpit of his friend and fellow-laborer, Jonathan Parsons.<sup>4</sup> But his first achievements were far the greatest. There was not enough in him of other attractions to compensate entirely for the loss of the charm of novelty. He continued to make wonderful exhibitions of oratorical power, but the subtle influences, which through the sympathy of an audience surrender it helpless to an orator's control, did not combine to aid him

<sup>1</sup> Tracy, *Great Awakening*, 360, 361, 364-366.

<sup>2</sup> *Ibid.*, 369.

<sup>3</sup> Gillies (*Memoirs of George Whitefield*, 157) copies the following vote of the Corporation of the College: "At a meeting of the President and Fellows of Harvard College, Aug. 22, 1768, the Reverend G. Whitefield having, in addition to his former kindness to Harvard College, lately presented to the library a new edition

of his journals, and having procured large benefactions from several benevolent and respectable gentlemen: voted, that the thanks of the Corporation be given to the Reverend Mr. Whitefield, for these instances of candor and generosity."

<sup>4</sup> The death-scene and the affectionate rites of sepulture are minutely described in Philip's "*Life and Times*," 495, 496, 505, 506.

to the same degree, after the strain of the first experiment.

In Massachusetts the government had taken no cognizance of the religious commotion of the time. The course in Connecticut was different. When Whitefield appeared in New England, the politico-ecclesiastical establishment created by the Synod of Saybrook, and by the legislative action adopting the scheme of that body, had been strengthened by the use of a whole generation, and a course of proceeding that disturbed the parishes had somewhat of the character of an offence against the State.

Twenty years before Whitefield's advent there was a religious agitation in the town of Windham, where Mr. Samuel Whiting was minister. "In the short term of six months eighty persons were admitted to full communion in the church. . . . It was probably nearly as much as one person to every family. . . . But while this place was so remarkably wet with the dew of Heaven, the ground was dry all around it." In the salutary terror spread by the great earthquake, "it was to be hoped that some were savingly wrought upon." The wide ravages, a few years later, of that terrible scourge, the scarlet fever, were not followed at once by the religious impressions that many looked for.<sup>1</sup> But the influence of the movement which presently began at Northampton by the instrumentality of Edwards spread into the neighboring towns belonging to the Province of Connecticut. It was felt through the whole line of settlements lower down the river, and diverged on the one side of that line as far as to New Haven and Stratford, and on the other side to Tolland and Norwich. "It was the opinion that, in some towns and parishes, fifteen,

Revivals of  
religion in  
Connecti-  
cut.  
1731.

1727.  
Oct. 29.

1734.

1735.

1736.

<sup>1</sup> Trumbull, *History of Connecticut*, II. 136, 137; comp. Prince, *Christian History*, &c., I. 129-136.

twenty, and even thirty persons were in one week brought out of darkness into marvellous light.”<sup>1</sup>

But there was a pause, and perhaps a reaction, till Whitefield appeared upon the scene. After his first preaching at Boston, Edwards accompanied him from Northampton as far as East Windsor, in Connecticut, where Edwards’s father was pastor of the church. Whitefield travelled through Suffield, Hartford, Wethersfield, Middletown, New Haven, and the towns along the Sound, preaching to crowds at every stage of his journey, which occupied only a week before he passed into New York. But it did not take long for him to make himself felt and remembered. Wherever he went, he left the people thinking and talking of nothing else but his gifts and his achievements. At Wethersfield he was waited upon by the young ministers, Wheelock, of Lebanon, and Pomeroy, of Hebron, who were afterwards much associated with him, and the former of whom became the first President of Dartmouth College. At New Haven he found the Assembly in session, and, no cause for uneasiness having yet appeared, he was well received by them, and was warmly complimented by the Governor.<sup>2</sup>

Whitefield was soon followed to Connecticut by Tennent, as he had been to Boston; and, to a still greater degree than in Boston, the effects of the labors of the disciple appear to have been more definite, and were thought to be more substantial and permanent, than those produced by the master, though his methods of address were not so captivating. “People would cry out, in the time of public worship, under a sense of their overbearing guilt and misery, and the all-consuming wrath of God, due to them for their iniquities;

<sup>1</sup> Trumbull, History of Connecticut, II. 142.

<sup>2</sup> Whitefield, Seventh Journal, 45-55.

others would faint and swoon under the affecting views which they had of God and Christ; some would weep and sob, and there would sometimes be so much noise among the people in particular places, that it was with difficulty the preacher could be heard. In some few instances it seems that the minister has not been able to finish his discourse, there was so much crying out and disturbance."<sup>1</sup>

Though some leading ministers of Connecticut took an active part in the movement, and many, especially in its early stage, regarded it with favor, the majority were probably suspicious of it from the beginning, and, when what were regarded as extravagances and disorders on the part of its friends became striking and frequent, a powerful opposition was arrayed. When Davenport first left his own fold on Long Island, it was to visit the eastern towns of Connecticut, where he did not fail to communicate his ardor to persons of a like fervent character of mind. He approved and promoted the noisy demonstrations of assemblies engaged in Divine service, adopting, among other singularities, a kind of *intoning*, which was found to act on the nerves of hearers, and which was adopted as a sort of symbol by his followers. His customary proclamation that ministers were unconverted, when they declined to be examined by him, or when, on an examination, they failed to give him satisfaction, of course made him enemies. But what especially brought him in conflict with the authorities was his encouraging exhorters who had attached themselves to him — ignorant youth and others — to address such congregations as they could anywhere collect; and this without the leave, or in defiance of the prohibition, of the ministers who were the local ecclesiastical authority. The ministers and their supporters in the government thought that, so long as the Saybrook plat-

Davenport  
in Connec-  
ticut.  
1741.  
July.

<sup>1</sup> Trumbull, History of Connecticut, II. 155.

form was law, practices of this kind were not to be endured.<sup>1</sup>

A General Association, convened according to the Saybrook platform,<sup>2</sup> “endeavored to prevent the growing disorders among the ministers that had been ordained or licensed by the associations in the government to preach, and likewise to prevent divisions and disorders among the churches and ecclesiastical societies.”<sup>3</sup> But the attempt had little success. Divers of the ministers still “took upon them, without any lawful call, to go into parishes immediately under the care of other ministers, and there to preach to and teach the people; and also sundry persons who were very illiterate and had no ecclesiastical character, or any authority whatever to preach or teach, took it upon them publicly to teach and exhort the people.”

At this juncture the ecclesiastical authority was strengthened by a change in the chief magistracy. Joseph Talcott, of Hartford, to whom the excitements before Whitefield’s arrival had been “times of refreshing,” died, and was succeeded as Governor by Jonathan Law, of Milford, “a gentleman of a different character.”<sup>4</sup> Governor Law’s

<sup>1</sup> Trumbull, History of Connecticut, II. 160, 161; Tracy, Great Awakening, 235.

<sup>2</sup> Oct. 8, 1741, many ministers, “in order to maintain a good harmony and agreement among the ministers and churches, and to prevent and heal divisions in the land,” proposed “to have a general consociation of the churches in this Colony, consisting of three ministers and three messengers from each particular consociation;” and the “Assembly, considering the unhappy misunderstandings and divisions subsisting in this Colony, whereby the peace of the churches is much threatened, . . . . resolved that the charge and

expense for entertainment of such a General Convention at Guilford shall be borne by this government.” (Conn. Col. Rec., VIII. 438, 439.)

<sup>3</sup> “There is not the least minute of any such Council on the records of the General Association, nor is there any intimation of the results or doings of it, any further than what is found in the preamble to this extraordinary Act, and in references to it by associations and consociations afterwards.” (Trumbull, History of Connecticut, II. 165; comp. for the preamble, p. 162.)

<sup>4</sup> Ibid., 162. — Dr. Trumbull, a native of Hebron, was a catechumen of Mr. Pomeroy (presently to be

accession marks a change in the conduct of the government in relation to ecclesiastical affairs. The tradition of the distinctive characteristics of the old Colonies of New Haven and Connecticut was not yet lost, and Law, born and bred in the former of them, leaned, as his Hartford predecessor had not done, to an intimate union between Church and State, and a policy of strict coercion for sectaries and innovators. In his first year the government turned its attention to the undertaking in which the General Association had been foiled, and provided by law that if any minister should preach in a parish not his own, without an invitation from "the settled minister and the major part of the church of said parish," he should be "denied and seclused the benefit of any law in this Colony made for the support and encouragement of the gospel ministry;" that if any association should do any ecclesiastical act, belonging by the Platform to the jurisdiction of a different association, all the members present and concurring in that act should be liable to the same penalty; that if any person other than a settled minister should exhort in any parish, without an invitation from its minister and the majority of its church or congregation, he should be bound over to keep the peace in the penal sum of a hundred pounds; and that every person, so offending, not being an inhabitant of the Colony, should "be sent, as a vagrant person, by a warrant from any one Assistant or Justice of the Peace, from constable to constable, out of the bounds of this Colony."<sup>1</sup>

Davenport and his friend Benjamin Pomeroy were ar-

mentioned), and a disciple and associate of Dr. Wheelock. He attached himself early to the "New Lights," and became a zealous partisan among them. He lived to see the triumph of the "New Divinity" (the school of Edwards), in the election of Dr. Dwight to be President of Yale College.

<sup>1</sup> Conn. Col. Rec., VIII. 454-457. — "This extraordinary Act, in part, at least, had its origin in the consociation of New Haven County." (Trumbull, History of Connecticut, II. 165, note.)

Legal prosecutions.

June 1.

raigned before the Assembly on a charge of disturbing the town of Stratford by collecting large assemblies of people, whom, with the help of certain illiterate persons, exhorters, they misled with pernicious doctrine and inflamed to disorderly practices, going even so far as to counsel resistance to the measures for repression which had just passed into law. The excitement was so great, that, during their examination, there was an attempt to rescue them from the custody of the sheriff, which was only defeated by turning out a force of militia. Either because the complaint against Pomeroy was not well sustained by the evidence, or because the government judged it prudent to affect lenity in respect to an esteemed minister of their own Colony, he was discharged. The decision as to Davenport was that, though his "behavior, conduct, and doctrines did, and had a natural tendency to, disturb and destroy the peace and order of this government," yet, inasmuch as it further appeared that he was "under the influence of enthusiastical impressions and impulses, and thereby disturbed in the rational faculties of his mind," he was "therefore to be pitied and compassionated, and not to be treated as otherwise he might be." He was taken under a guard to a vessel, to be conveyed to his home at Southhold. Pomeroy went to Colchester, where, being denied admission to the meeting-house, he preached in a grove to a large assemblage. He was complained of for the irregularity, and, by the application to him of the recent law, lost his salary for seven years.<sup>1</sup>

Mr. Fish, minister of Stonington, maintained in a sermon, that "following God implied men's giving themselves wholly to him, to be governed by his commands; that it implied an imitation of him in his moral perfections, etc., . . . . and it was inferred that true religion did not consist in ecstasies, in crying out in the time of public

<sup>1</sup> Trumbull, History of Connecticut, II. 167, 168.



worship, in powerful impressions, in lively imaginations or visions of a bleeding Saviour, etc.; that though the saints might have these things, yet that they were no evidences of a gracious state." His sobriety cost him the loss of a large part of his parish. "The house was filled with outcries against the preacher. He was declared to be an opposer of the work of God, making the hearts of his children sad, and strengthening the hands of the wicked." His case was that of not a few other clergymen, and numerous separate churches were set up, which supplied their pulpits as best they could, and changed the occupants of them with the caprice and the frequency which in the circumstances were to be expected. Their standard of competency for the function was not high. They held "that if a man had the spirit of God, it was no matter whether he had any learning at all;"<sup>1</sup> and as to what was the spirit of God, their ideas were not clear or uniform. Many of these new congregations finally matured their separation, and joined the communion of Baptists, while "large numbers . . . broke away from their former associations, and fled for comfort and quietness to the bosom of the Church of England."<sup>2</sup>

The General Association of ministers issued a caution against the prevailing errors and mal-

Multiplication of congregations and of preachers.

1742

June 15.

<sup>1</sup> Trumbull, History of Connecticut, II. 171, 172.

<sup>2</sup> Beardsley, Life and Correspondence of Samuel Johnson, 107. "The church has not, as yet, much suffered, but rather gained by these commotions, which no men of sense of either denomination have at all given into; but it has required great care and pains of our clergy to prevent the mischief." (Letter of Johnson to Bishop Berkeley, Ibid., 105.) "The quarrels of the dissenters among themselves, especially occasioned by

the late enthusiasm, contributed vastly more to drive honest thinking people into the church than any endeavors of the clergy to make proselytes. . . . A multitude of people were so bewildered that they could find no rest to the sole of their feet till they retired into the church as the only ark of safety." (Johnson to Archbishop Secker, Ibid., 245.) The Colony had very few Baptists in its early years. (Trumbull, History of Connecticut, II. 539.)



practices, and recommended "a just deference to the laws of the magistrate lately made to suppress disorders." The General Assembly was irritated and resolute. A law, now of thirty-five years' standing, made "for the case of such as soberly dissent from the way of worship and ministry established by the ancient laws of this government," allowed such persons, on certain conditions, to set up and maintain a separate

Persistency  
of the gov-  
ernment.

1743.  
May 12. worship.<sup>1</sup> It was now repealed, so that henceforward persons dissatisfied with the regular churches, and desirous of having religious services of their own, could only obtain their wish by applying to the General Assembly, and taking oaths and obligations required in England of dissenters.<sup>2</sup> The law against interlop-

October.

ing preachers was made more severe. If a person, not an inhabitant, having been once expelled from the Colony, should return to it, and there "preach, teach, or exhort," it was now provided that he should "be bound in the penal sum of one hundred pounds, lawful money, to his peaceable and good behavior," and that he "will not offend again in like manner," and that he "pay down the cost of his transportation." Justices of the peace and other officers, civil and military, who were known to favor the obnoxious movement, were discharged.

Suppression  
and subsid-  
ence of the  
excitement.

Prosecutions of ministers and others took place,<sup>3</sup> in the issue of which it was constantly apparent that the government was embarrassed between the aim to support its own authority and the public order on the one hand, and the fear of creating sympathy with the offenders and of compromising its religious character with ardent religionists, on the other. The College entered

<sup>1</sup> Conn. Col. Rec., V. 50.

<sup>2</sup> Ibid., VIII. 522.

<sup>3</sup> Dr. Chauncy did not like the harsh measures of the government of Connecticut. "I fear they have

carried matters too far, and shall be glad if the remedy don't make the disease worse." (Fowler, Memorials, &c., 68.)

the lists, with a weighty conservative influence. It expelled two students for worshipping, in time of vacation, with a separatist conventicle, and for justifying themselves in the offence, when called in question for it.<sup>1</sup> 1744.  
Nov. 19.

When Whitefield was again expected in Connecticut, the General Association resolved that it would by no means be advisable for any of the ministers to admit him into their pulpits, or for any of the people to attend his administrations.<sup>2</sup> 1745.  
June. Notwithstanding this admonition, he passed through the Colony, preaching on his way, and notwithstanding the law against interloping preachers he was not molested. It was probably known that his transit would be rapid. It would have been extremely inconvenient, considering the estimation in which he was widely held on both sides of the water, for the government to engage in a dispute with him, and it is probable that no such considerable consequences were now apprehended from his presence as were to have been expected at an earlier time. Not only was he no longer the same brilliant novelty, but the public attention was now intensely directed to another course of events, of a widely different character. A military expedition and a foreign conquest turned into a different channel the effervescence of adventurous minds. Occasional trials of strength between the authorities and dissentients continued to occur for three or four years longer. But a natural weariness succeeded on both sides; a mutual good-humor asserted its claims; and Connecticut, benevolent though sanguine and stubborn, settled into its ancient ways.

Rhode Island was not materially affected by the movement which so agitated the sister Colonies. But though, in some points of view, Its limited  
prevalence  
in Rhode  
Island.

<sup>1</sup> Trumbull, History of Connecticut, II. 179-183; comp. Gillett's Historical Sketch, &c., in Hist. Mag. for July, 1868, 7 *et seq.*, 43 *et seq.*

<sup>2</sup> American Biblical Repository, VII. 187 *et seq.*

Rhode Island might not seem a nutritive soil for religious products, the practices of Davenport and his friends in the towns close to her western border were not foreign to her own customs and tastes, and might even agreeably revive the memory of Gorton and others of her founders. At Westerly there had been for some years a missionary of the Commissioners of Indian Affairs, who found "a spirit of profaneness and irreligion awfully prevailing" there. When Davenport came to Stonington, which he entered with his friends "in solemn procession singing an hymn," — it was one of his habits to sing in the streets, — Mr. Parks, the missionary, went to see and hear him. He "expected no extraordinary effect, when to his surprise there was a cry all over the meeting-house; and when he asked the cause, the answers were such that he could not but say, 'This is the Lord's doing.'" Some of

<sup>1742.</sup>  
<sup>Feb. 12.</sup> Davenport's followers came over and exhorted in Westerly, and in a week or two "the number hopefully converted was fifteen souls." A church was formed consisting of fourteen persons, "all English," to whom were presently added fourteen others, besides six Indians, and two negroes.<sup>1</sup> But Westerly was a remote corner of Rhode Island, and it does not appear that the influence spread far into the Colony on this side. From the other side it proved still less effective, though it approached in force from the quarter of Taunton and Middleborough, under the preaching of the ministers Josiah Crocker and Peter Thacher.<sup>2</sup> It has been mentioned that Whitefield passed through Newport on his first visit to Boston. But his stay there was short and apparently unproductive, though "Rhode Island seemed to him to be a place where much good might be done."<sup>3</sup>

<sup>1</sup> Prince, *Christian History*, I. 201-208. lock also tried his hand slightly in this quarter. (*Ibid.*, 202.)

<sup>2</sup> *Ibid.*, 412-416; II. 89-96; Tracy, *Great Awakening*, 165-176. — Whee-

<sup>3</sup> Whitefield, *Seventh Journal*, 22.

As to the character and consequences of the paroxysm which has been described, it would be impossible, without assuming an attitude of religious partisanship, which is not that of the historian, to pronounce a judgment on a question which once agitated the mind of New England to its depths, and is still from time to time revived. According to different estimates of favorable judges, the converts made in New England during the Great Awakening amounted to twenty-five thousand, or to double that number.<sup>1</sup> The sober contemporary historian of Connecticut estimated them at thirty or forty thousand.<sup>2</sup> The number, greater or less, of new communicants has been thought not to represent sufficiently the number of new Christians, inasmuch as, under the fresh impressions made upon their minds, many communicants became convinced that they had been hitherto unregenerate persons.

Character  
and conse-  
quences of  
the "Awak-  
ening."

With respect to the character of the influences which had been exerted and the effects which had been produced, the differences of opinion, some of which were at first more or less timid and suppressed, multiplied as the operation went on and developed its diverse traits. At the beginning it was generally welcomed, and at least those who had misgivings were silent. As it proceeded, mutual apprehensions, jealousies, offences, and disgusts grew up. Its close left two parties to the dispute, — the one satisfied that a vast amount of good had been done, though, with few or no exceptions, allowing that it had been alloyed with unchristian temper and behavior; the other convinced that on the whole it had been a triumph of delusion and passion, though not without exceptions of cases in which rogues, libertines, and worldlings had been made virtuous, and good men had had their Christian graces renewed and ripened.

<sup>1</sup> Tracy, Great Awakening, 389.

<sup>2</sup> Trumbull, History of Connecticut, II. 263.

Some of the excesses which had gone furthest to discredit and arrest the movement were discountenanced and condemned by the persons responsible for them, though the censure was not in season to avert the odium which they caused. When the tempest had sensibly subsided, the volatile James Davenport published his "Confession and Retractations," in which he expressed himself "fully convinced and persuaded that several appendages to this glorious work were no essential parts thereof, but of a different and contrary nature and tendency; which appendages," he says, "I have been in the time of the work very industrious in and instrumental of promoting by a misguided zeal, being further much influenced in the affair by the false spirit which, unobserved by me, did, as I have been brought to see since, prompt me to unjust apprehensions and misconduct in several articles, which have been great blemishes to the work of God, very grievous to some of God's children, no less ensnaring and corrupting to many of them, a sad means of many persons questioning the work of God, concluding and appearing against it, and of the hardening of multitudes in their sins, and an awful occasion of the enemies' blaspheming the right ways of the Lord; and withal very offensive to that God, before whom I would lie in the dust, prostrate in deep humility and repentance on this account, imploring pardon for the Mediator's sake, and thankfully accepting the tokens thereof."<sup>1</sup>

The more resolute, but more discerning Tennent had his conscience touched at a much earlier stage. He had scarcely returned from that visit to Boston in which he had so triumphantly repeated the blow which had been struck there by Whitefield, when he poured out the disclosures of his remorseful introspection in a letter to a friend. "I cannot justify the ex-

"Retractations" of  
James  
Davenport.  
1744.  
July.

Reflections  
of Tennent.  
1742.  
Feb. 12.

<sup>1</sup> James Davenport, Confession and Retractations, 3, 4.

cessive heat of temper which has sometimes appeared in my conduct. I have been of late, since I returned from New England, visited with much spiritual desertions, temptations, and distresses of various kinds, coming in a thick and almost continual succession, which have given me a greater discovery of myself than I think I ever had before. These things . . . . have given me a clear view of the danger of every thing which tends to enthusiasm and division in the visible Church. . . . . Alas for it! my soul is sick of these things."<sup>1</sup>

An anonymous letter, sent from New England and published in Glasgow, which Whitefield thought of importance enough to require a reply from him-<sup>May 24.</sup>self, presents at large the unfavorable view which was taken of the excitement, when at its height, by one class of persons, so circumstanced as to utter their sentiments without restraint. "The boasted converts," says this confident writer, "not one of an hundred excepted, make religion to consist in the feeling of inward impulses and impressions, in an inexplicable faith, joys, ecstasies, hearing of sermons, and such-like things. They are bigoted to certain opinions, which they do not understand, and have not the least degree of charity for those that are of another way of thinking. They are all of them vain, conceited, superstitious, enthusiastic, censorious, slanderers. Reason, learning, and morality they professedly disregard. Should they hear a minister preach in the most evangelical manner upon any moral duty, or recommend the exercise of reason and understanding, they would call him a dry, husky Arminian preacher, and conclude for certain that he was not converted. No sermons please but such as move and heat the passions, or scare and frighten them. Solid instruction is heathen morality or

<sup>1</sup> Chauncy, Letter from a Gentleman in Boston to Mr. George Wishart, &c., 18; comp. letters of Tennent, in Turell's "Dialogue between a Minister and his Neighbor," &c., 21-24.

carnal preaching.”<sup>1</sup> The writer corroborates his judgment by extracts, collected in an appendix, from writings of ministers and others.<sup>2</sup>

Of the New England ministers conspicuous in the controversy the most considerable may be allowed to be

Edwards, Colman, and Chauncy, men in temperament most unlike to one another. Edwards lived  
Judgments  
of Edwards,  
Colman, and  
Chauncy. and died in the belief that there had been an ex-

traordinary and most beneficent effusion of God's Holy Spirit. His elaborate testimony to that effect, in “Thoughts concerning the Present Revival of Religion in

1745. New England,” was abridged by John Wesley for circulation in the parent country. Colman was a man of less sturdy fibre. He had early committed himself on the main question, in his account sent to Dr. Watts of the movement under Edwards's auspices in the towns on Connecticut River, and in his last years he was probably influenced in no small degree by William Cooper, his younger and more impetuous colleague. Colman's fastidiousness was much disturbed by the intemperate and factious methods of the reformers,<sup>3</sup> but there is no reason to doubt that to his death, which took place but two years after Whitefield's second visit, he adhered to the opinion that a useful work had been done “in many places,” —

1744. an opinion which, in the year after his colleague's decease, he expressed in a published letter of comment upon Davenport's “Confession.”<sup>4</sup>

<sup>1</sup> State of Religion in New England, &c., 4, 5.

<sup>2</sup> Ibid., 70-112. — In connection with these phenomena, the language of the snarling physician, Douglas, only deserves to be quoted as indicating the sense entertained by the class of lookers-on which he represents. He speaks of “followers of Mr. Whitefield, an actor, or personated enthusiast, endued with a proper genius of low action; he first ap-

peared in New England in 1740; his followers, hitherto, 1748, are not all returned to their right minds.” (Summary, &c., I. 451, 452.)

<sup>3</sup> Colman, Sermon at the Ordination of the Reverend Mr. Samuel Cooper, &c., 17, 18.

<sup>4</sup> Letter to the Reverend Mr. Williams, of Lebanon, &c., 5. — “Whoever of us went early and too suddenly into a good opinion of the transports of weak women and children in the



Dr. Chauncy, a man constitutionally indisposed to enthusiasm, logical, perspicacious, and austere, entertained from the first<sup>1</sup> that unfavorable sense of the phenomena of the time, which later developments confirmed and intensified, and prompted him to express with great confidence and plainness of speech. An extract from his published "Letter concerning the Religious State of New England," addressed to a minister of <sup>1742.</sup> Edinburgh, concisely expresses the opinion which he never scrupled to avow and maintain.

"Various are the sentiments of persons about this unusual appearance among us. Some think it to be a most wonderful work of God's grace; others a most wonderful spirit of enthusiasm; some think there is a great deal of religion, with some small mixture of extravagance; others a great deal of extravagance, with some small mixture of

beginning of the work of God, . . . . . let us look back with humility, even in the conscience of our integrity therein, and not be ashamed to confess our inadvertence and imprudence in not being more aware of the tendency of these extraordinaries and irregularities unto these errors and extravagances of others." (Ibid., 4.) Dr. Chauncy, perhaps influenced by his difference from Dr. Colman on this question, did not estimate him so highly as did some of his contemporaries. "His character would have been greater, could it have been said of him that he excelled as much in strength of reason and firmness of mind, as in many other good qualities." (Mass. Hist. Coll., X. 157.) — The Reverend Mr. Turell, of Medford, was a warm partisan of Whitefield. The silence in which, in his biography of his father-in-law, he passes over Dr. Colman's relations to the revival, is very observable. I can only account for it on the supposition that he was not satisfied with

Colman's position, or else that he had himself become shy of the subject before the publication of his work in 1749.

Fifty years ago, it was understood in Medford that the pulpit of Mr. Turell's church there had been preached from for the first time by Whitefield. When the building was demolished, I had the pulpit, with its sounding-board roof, brought to Cambridge, and transformed into a summer-house. It tempted some still unsung Erostratus, and at his hands met its doom.

<sup>1</sup> In 1742, Chauncy published his "Wonderful Narrative, or Faithful Account of the French Prophets [a band of fanatics who had appeared forty or fifty years before], their Agitations, Ecstacies, and Inspirations; to which are added several other remarkable instances of persons under the influence of the like spirit in various parts of the world, particularly in New England," &c. The publication was anonymous.



that which may be called good: some think the country was never in such a happy state on a religious account; others that it was never in a worse.

“For myself I am among those who are clearly in the opinion that there never was such a spirit of superstition and enthusiasm reigning in the land before, never such gross disorders and barefaced affronts to common decency, never such scandalous reproaches on the Blessed Spirit, making him the author of the greatest irregularities and confusions. Yet I am of opinion also that the appearances among us (so much out of the ordinary way, and so unaccountable to persons not acquainted with the history of the world) have been the means of awakening the attention of many; and a good number, I hope, have settled into a truly Christian temper; though I must add, at the same time, that I am far from thinking that the appearance, in general, is any other than the effect of enthusiastic heat. The goodness that has been so much talked of, ’t is plain to me is nothing more, in general, than a commotion in the passions. I can’t see that men have been made better, if hereby be meant their being formed to a nearer resemblance to the Divine Being in moral holiness. ’T is not evident to me that persons generally have a better understanding of religion, a better government of their passions, a more Christian love to their neighbor, or that they are more decent and regular in their devotions towards God. I am clearly of the mind they are worse in all these regards.”<sup>1</sup>

It is not uninteresting to read the comments made on these transactions by a person who surveyed them from a point outside of that Congregational Church which they agitated. Dr. Timothy Cutler, once Rector of Yale Col-

<sup>1</sup> Letter to George Wishart, &c., the Chauncys, 65–68. (See the tart 20–22; comp. Tracy, *Great Awakening*, 360, 361, 364; also, *Letters of Charles Chauncy to Nathaniel Chauncy*, in *Fowler, Memorials of* 238.) (See the tart correspondence between Chauncy and Prince about Whitefield, in *Mass. Hist. Coll.*, XXI. 147; comp. XXXII. 238.)

lege, was now the Episcopal minister of Christ Church in Boston. One must read his animadversions with allowance for the satisfaction he may have had in witnessing the conflicts and calamities of the communion which he had abandoned. He corresponded with Dr. Zachary Grey, of Trinity Hall, Cambridge, urging upon that dignitary the importance of energetic action in New England on the part of the Episcopal Society for the Propagation of the Gospel. He wrote to his friend: "Whitefield has plagued us with a witness, especially his friends and followers, who are likely to be battered to pieces by the battering-ram they had provided against our church here. It would be an excellent attempt to describe that scene of confusion and disturbance occasioned by him, — the divisions of families, neighborhoods, and towns, the contrariety of husbands and wives, the undutifulness of children and servants, the quarrels among the teachers, the disorders of the night, the intermission of labor and business, the neglect of husbandry and of gathering the harvest. . . . The fellow treated the most venerable with an air of superiority. But he forever lashed and anathematized the Church of England; and that was enough."<sup>1</sup> The preaching of Whitefield and his fellow-laborers in America was followed by the same manifestations as the preaching of Wesley and Whitefield in England; and for like reasons the Church of England on both sides of the water looked upon it with absolute disfavor, though in the parent country there were by no means wanting instances of Churchmen high in rank and station who viewed it with other eyes, and even who came avowedly under its influence.

Strictures of  
Dr. Cutler.  
1743.  
Sept. 29.

<sup>1</sup> Nichols, Literary Anecdotes, II. 546.

## CHAPTER IX.

THE preceding volumes of this work have exhibited the course of events in New England, down to a time within a quarter of a century of that attempt by the mother country to tax the colonists which led to their armed resistance and ultimate independence. The first fifty years of the principal Colony under her provincial charter had not been uneventful; but they had by no means been years of unobstructed progress. Massachusetts had been steadily watchful of her most vital interests, as these were to be affected by internal arrangements, and by the necessities of her subordination to the parent country. She fostered religious institutions, provided liberally for the education of the people, and aimed, by the constant tenor of prudent legislation, to secure the general good order and comfort. She maintained herself strenuously against encroachments of the British Ministry, and especially had come out victorious from an obstinate contest for restraining the King's Governor from the exercise of a dangerous degree of power. But in the early part of the new period of her history the Colony had suffered greatly in sanguinary wars with the French and their barbarian allies. And the poverty in which she had become involved by these fruitless contests, perpetuated and aggravated by madly devised expedients for escape from it, had disordered her legislation, prostrated her industrial activity, and not left wholly unstained that commercial integrity so hardly to be preserved immaculate against

the united forces of the desperation of bankruptcy, and the quackery of ignorant or the impudence of interested agitators.

At the close of the administration of Governor Belcher, the inhabitants were probably not far from a hundred and sixty thousand in number.<sup>1</sup> Sixty-eight towns had been incorporated under the provincial charter,<sup>2</sup> making the whole number of towns one hundred and forty-three, which were no longer confined to the sea-board, as in the earliest times, nor to the sea-board and to the alluvial valleys, as in the age which next succeeded. Many had already been planted on the elevated plateaux which offered at once the advantages of fertile soil and of watch-towers for observing the movements of the hostile natives, while it was reserved to a still later period, and a form of industry not yet introduced, to invite settlements to those falls of rivers, where now are the centres of much of the prosperous activity of the Commonwealth. Boston had about eighteen thousand people,<sup>3</sup> a number which at no time was much

Population  
of Massa-  
chusetts in  
1741.

<sup>1</sup> Abstract of the Massachusetts Census of 1865, p. 173. — Dec. 8, 1744, Shirley wrote to the Duke of Newcastle that Massachusetts might "be reckoned to have more than doubled its inhabitants within these last forty years."

<sup>2</sup> Shirley did not like this multiplication of towns, enlarging as it did the number of the Representatives, and extending the power of that House relatively to the power of the Council. Oct. 18, 1742, he acquainted the Board of Trade with "his opinion about increasing the number of townships and Representatives, and the ill consequences that might follow from thence." Most of the towns, he said, "are qualified to send two Representatives, yet they do not generally send more than from a hundred and nine to a

hundred and twenty." (Comp. Journal of the Board, for Feb. 17, 1743.) The Privy Council accordingly directed an instruction to be sent to him, "to prevent his passing Acts to erect new towns or divide old ones." (Council Register, for June 30, Aug. 11, 1743; comp. Journal of the Board of Trade, for July 21, 1743, April 26, 1744; Hutch., Hist., III. 54.)

<sup>3</sup> Oldmixon (British Empire in America, I. 196) gives to Boston a population of 24,000 in 1741, but this must be an exaggeration. An enumeration, for which I know not the authority, but which commends itself to credit by its precision, places the number at 17,756 in 1742. (Mass. Hist. Coll., XXI. 152.) Dr. Chauncy thought that in 1742 the town contained "not more than five thousand families." (Letter to Wish-

exceeded during this century, while at some times it was considerably less.<sup>1</sup>

art, appended to Whitefield's "Vindication," p. 7.)

<sup>1</sup> In the Sparks collection of manuscripts in the library of Harvard College is a book of 250 pages, entitled "A History of New England," by Joseph Bennett. It treats of the Natural History of the country, of the course of the English Settlements, of the Political Divisions, of the Indian Tribes and the wars with them, of the Colonial Trade and Industry, of the Administration of Law, of Religious Institutions, and of various miscellaneous matters. Bennett came from London to Massachusetts in the summer of 1740, and remained there several months. The book disappoints, not by any means because the writer appears to have been wanting in intelligence, but because he was not sufficiently cautious in collecting information. He understood (p. 113) Massachusetts to consist of four parts: viz., the Colony proper, Maine, Plymouth, and Rhode Island. He knew only three counties in the Colony: viz., Suffolk, Middlesex, and Essex.

"According to the best account," he says, "I have been able to come at, which is from their muster roll, there is near three thousand houses [in Boston], and about thirty thousand souls."

"The whale and cod fisheries are very considerable, which, with their ship-building, is the chief support of the country. They trade to the Carolinas, and also to Jamaica and Barbadoes, and with all the other West India islands and plantations," exchanging their provisions and lumber for tropical products, with which they buy "almost all sorts of English goods, but more especially clothing for men, women, and children." They make at home some paper, "and some

coarse woollen cloths," some hats and shoes, and some iron and copper ware. Their food, animal and vegetable, he describes as good, abundant, and cheap. "Their observation of the Sabbath . . . . is the strictest kept that ever I yet saw anywhere." "There are several families in Boston that keep a coach and pair of horses, and some few drive with four horses." "Both the ladies and gentlemen dress and appear as gay in common as courtiers in England on a Coronation or Birthday, and the ladies here visit, drink tea, and indulge every little piece of gentility to the height of the mode, and neglect the affairs of their families with as good a grace as the finest ladies in London." Belcher's accession to the government he had heard "was by purchasing of it of Sir Robert Walpole." "As to money, they have no sort of coin among them, nothing but paper bills. . . . . The discount between those bills and sterling is four hundred and fifty cents at present, — that is, five hundred and fifty pounds of this currency is equal to one hundred pounds sterling; but they are variable, being subject to the rise and fall of bills of exchange. . . . . There is still a great deal of both English and foreign gold and silver in the hands of the merchants, but they use it only as merchandise, and buy and sell it only by weight, to send to England in return for goods. . . . . There is not a ship that comes from London or any other part of England but brings home a large cargo of 'Craftsmen,' 'Common Sense,' and all that have a tendency to abuse and misrepresent the government. . . . . The Boston gentlemen will have it that Sir Robert disappointed the success at Carthage by some secret direc-

William Shirley, the successor of Governor Belcher in Massachusetts, was at the head of affairs there for a longer period than any other Governor who had preceded or who has followed him. His rule nearly covered the whole time between the renewal, after a long peace, of hostilities with France, and the expulsion of that power from the western continent. A native of the English county of Sussex, he had been bred to the law, and was a barrister of the Middle Temple. Having a family to provide for, he came to Boston to push his fortune in his profession, bringing a letter of introduction to the Governor from the Duke of Newcastle. His early ambition seems not to have aspired high. Writing to the Duke from America that various circumstances recommended the country to him, "notwithstanding its bad money and worse politics," he solicited the places of postmaster of Boston, "computed to be worth near a hundred pounds sterling per annum," and of Attorney-General of New York. Belcher, who for a while was friendly to him, probably by reason of his good standing with the Duke, interested himself to have him well compensated as "the King's only Advocate-General in America;"<sup>1</sup> and Shirley, in

Early official career of Governor Shirley.

1731.

Aug. 14.

1732.

July 17.

Aug. 4.

1734.

Nov. 30.

tions to the Admiral and General." (Comp. Proceedings of Mass. Hist. Soc. for 1861, 108-126.)

<sup>1</sup> The application, pressed by Shirley, and by the "agent for Antigua, who gives Mr. Shirley a very good character," was favorably reported upon to the Privy Council by the Board of Trade. (Journals of the Board, for Nov. 11, 1736, Feb. 10, May 17, 18, 1737.) — One of the considerations which gave importance to the office of Advocate-General was that the duty partly belonged to it of watching over the supply of

naval stores, always regarded as a prime element in the value of the northern Colonies. (Journal of the Board of Trade, for Sept. 18, 1735.) "This Province may in time produce timber, masts, iron, canvas, and rigging sufficient for the whole royal navy, and must consequently be more necessary to the crown of Great Britain than all the sugar islands, and the whole North America besides." (Letter of Belcher to the Duke of Newcastle, of May 24, 1736.)

Nov. 19. pressing the same suit, acknowledged the kindness which his patron had expressed in holding out to him the hope of being made Collector of Customs in Rhode Island. He sent his wife to England, 1736.  
July 8. with an application from Belcher for a salary for him of "at least two hundred pounds from his Majesty's Exchequer." The Board of Trade recommended 1737.  
May 19. a compliance with it, and Shirley followed it with Nov. 3. a suit for "the post of Collector of Customs, in the port of Boston, or some other of like nature."<sup>1</sup>

By this time the relations between Belcher and Shirley were changed. Among other places coveted by His relations to Belcher. the latter was that of clerk of the Court of Common Pleas, which he says Belcher told him that 1738.  
Jan. 2. he intended for his own son, and "threatens me," he adds, "with his displeasure, and tells me, if I succeed, he shall be very troublesome to me."<sup>2</sup> Some, at least,

<sup>1</sup> British Colonial Papers. — "The said Shirley, after a regular study, and being called to the bar, and practising many years in England, went to New England, and resided several years there, and followed the profession of a lawyer with some character and success, whereby he maintained himself, his wife, and a numerous family of nine children. . . . Upon a vacancy which happened for the post of Advocate-General," an office for all New England, except Connecticut, he was commissioned for it by the Admiralty, Sept. 26, 1733, "several persons" having held the place before him. (Ibid.) He could not be gratified as to the collectorship of Boston, because it had been bespoken for Sir Henry Frankland, the hero of one of our Massachusetts harpings on the old theme of love and frailty. (See Nason, Sir C. H. Frankland, &c.)

<sup>2</sup> Letter of Shirley to the Duke of Newcastle. One John Pember-

ton was the present incumbent of the office. Lyde, who had been displaced to make room for him (see above, Vol. IV. 540, note 2), had gone to England to solicit to be restored, agreeably to the advice of "Mr. Holden, of the bank," who had interested himself with Sir Robert Walpole in Lyde's behalf. Belcher had told Shirley that Lyde would probably be appointed Naval Officer, in which case he would resign the clerkship in the Court of Common Pleas, which would go to the Governor's "eldest son here." Belcher had taken the place of Naval Officer from Pemberton, whom, he writes to the Duke (Dec. 4, 1741), I did not know that your Grace had any "personal regard for," but "conceived that his interest lay with Mr. Horace Walpole." Belcher said that Pemberton "was so universally obnoxious to the people" that the Council had unanimously resolved he should have nothing at their disposal.



of his friends had begun to think of him for the promotion which he afterwards attained. Samuel Waldo, who had been aggrieved by Belcher's "opposing his settlements of the eastern lands," went to England to make representations against him. In a letter purporting to be from James Bowdoin, of Boston, the Duke was assured that "most of the considerable men here July 27. wishes him all success, and hopes he will deliver us from this mean fellow [Belcher] that hath tyrannized so long over us. . . . By his hypocrisy and villany he hath already almost ruined and destroyed one of the Provinces he reigns over [New Hampshire]." The writer urged the appointment of Shirley in Belcher's place, and promised that the question of a stated salary would be settled "directly, should Mr. Shirley be the man."<sup>1</sup>

But Shirley, for some reason, was not pleased with this officiousness in his behalf. Perhaps he thought it too bold for the time, for Belcher's position was by no means desperate as yet. "The impertinent letter," Shirley wrote to the Duke, "signed J. Bowden, of which I heard 1739. this morning, was all counterfeit. J. Bowden is a March 3. merchant of the largest estate in this Province, a Frenchman by birth, who does not trouble his head with anything that relates to the government, is upon good terms with Governor Belcher, and has very little acquaintance with me." He imputes the artifice to "a gentleman in the highest station among us [meaning, probably, Belcher]. I am so thoroughly acquainted with his politics," he continues, "and knowing to some other instances of a like kind of treachery, that I dare almost risk my credit upon the truth of my suspicion. . . . When the letter was

<sup>1</sup> "In his unguarded hours this opinion extensively entertained at the sad fellow," wrote Bowden, "doth time, and largely maintained in the not stick to treat your Grace, Sir pamphlet referred to in Vol. IV., Robert Walpole, Lord Harrington, p. 551, note 3, that Belcher had been Lord Wilmington, &c., most contemptuously." Bowden held the treacherous in his professed opposition to the scheme of the Land Bank



wrote, . . . . the thing itself [the succession to the government] was not in my aim or thoughts." He expressed his "uneasiness at Mr. Waldo's indiscretion in his application to your Grace in my favor. He had no commission from me to act in this matter." The Duke had proposed to make his *protégé* Chief Justice of New York, and Shirley may have thought that an imprudent ambition for the higher office might end in the loss of both.

An indication of the consequence to which he had attained may be seen in his assuring the Duke,  
1740. when recruiting began for the Spanish war, that he should offer to the Governor all the assistance in his power in raising men in Massachusetts and New Hampshire, though, he adds, "I cannot tell how this will be received from me, whom his Excellency hath for some time looked upon with a jealous, if not evil eye." He

informed the Minister that a person in whose  
Aug. 4. behalf he had applied for a military commission had been denied by the Governor, who said that "he would not by any means hear of him, because I had recommended him; otherwise he should have had a commission;" and he reported Belcher as having said, in another case of the same kind, that he would not "be plagued with every pettifogger's recommendation." Shirley plied the Duke with letters from himself and others, showing his useful activity in enlisting and fitting out troops for the war, at his own cost and that of his friends; the unskilfulness and lukewarmness of the Governor in respect to that business; and the Governor's unreasonable hostility to himself. Mrs. Shirley, in London,

wrote to the Duke: "Mr. Shirley has suffered  
Sept. 20. many affronts from the Governor, but while he was obeying your Grace's commands, he did not fear Mr. Belcher's resentment." Mr. Martin Bladen, of the Board of

Trade, after examining various papers submitted  
Oct. 8. to him, reported: "It appears to me that Mr.

Shirley has shown a very laudable zeal for the public, and that Governor Belcher has indulged his personal resentment against Mr. Shirley to the detriment of his Majesty's service. . . . It would seem to me that there cannot be now any inconvenience in making an alteration in that government, and that your Grace cannot recommend to his Majesty any gentleman to succeed Mr. Belcher more capable of discharging the duty of a good Governor, or that would be more acceptable to the people there, than Mr. Shirley."<sup>1</sup>

At the time when his commission as Governor arrived, Shirley was in Rhode Island, employed by Massachusetts in managing the question about the boundary line. He had established such a reputation for character and talent, that among his adopted fellow-

1741.

Aug. 13.

<sup>1</sup> British Colonial Papers. — Shirley might naturally be vexed by such a letter as the following, addressed to him by Belcher, July 12: "Sir, — You have shown your desire of contributing what assistance you can for his Majesty's service in the present expedition. You must be sensible that, if every gentleman in the Province of your order should take the same freedom you have done, such applications would give me a great deal of trouble. You'll therefore avoid any thing of the like nature for the future. Sir, your servant, J. BELCHER." — September 18, Shirley wrote to the Duke that in two days five companies of troops would embark for the West Indies, four of them with the King's commissions and arms, one with only a certificate from the Governor. "Of these, the last company," he says, "is entirely owing to me. . . . The third-mentioned company is also chiefly owing to me." (Comp. above, Vol. IV. 553.) Thomas Western, in a letter to the Duke, of September 27, extols Shirley's ser-

vices in promoting the enlistment. "These considerations will, I hope, soon induce your Grace to put in execution the promise you was so good to make me with regard to promoting Mr. Shirley." Oct. 22, 1740, the Board of Trade "received from Mr. Sharpe" a paper entitled "State of the Services performed by William Shirley, Esq.," with a recommendation of him to be made Governor, and strictures on the administration of Belcher. It represents that, in the case of a rupture with France, Shirley would be "able in a few days to raise in the Province of Massachusetts above ten thousand men or a larger number." It complains of Belcher for mismanagement in respect to the preservation of the woods, to the New Hampshire boundary, and to the settlement of a salary, with a view to which especially he was appointed; and for misrepresentations of his people made by him to the ministry, as being "levellers, and of an ungovernable disposition." (British Colonial Papers.)

citizens the news of his promotion was received with general favor. In the conspicuous career on which he now entered, he proved to be a person of unquestionable ability, but yet ambitious in a degree disproportioned to his powers. He had the welfare of the Province at heart, and was attentive and diligent in the discharge of his office. As occasions arose for difference of judgment between him and the local government, he pressed his own views with a fulness of argument which was often diffuse to the degree of tediousness, but which always showed good acquaintance with the subject in hand, and which was rarely indiscreet in language, and never overbearing or petulant in temper. And he had a reasonable judgment as to the time when a point at which he had aimed was to be abandoned as unattainable, and knew how to yield and retreat with dignity and good-humor. Native Englishman as he was, like his predecessors, Bellomont, Shute, and Burnet, he had the advantage over them, when he came to the government of Massachusetts, of an acquaintance, of years' standing, with its people and its affairs.

His reception as Governor.

When Shirley presented himself to produce his commission and take the oaths of office, the General Court had been adjourned four days by his predecessor with a view to that ceremony. In his inaugural speech he called the attention of the Legislature to four subjects: 1. The defenceless condition of Castle William in Boston harbor, which he declared to require instant attention on account of the existing war with Spain; 2. The expediency, in consideration of the unfavorable season, of a temporary embargo on the export of provisions; 3. His intention to prosecute, before the King in Council, the appeal which he had taken from the decree of the Commissioners on the boundary line of Rhode Island; 4. The deplorable state of the currency, which made all business insecure, and all property of doubtful

His inaugural speech.  
Aug. 17.

value. Governor Belcher, he said, had "very justly complained of the excessive rise of exchange between Great Britain and the Province, which had then risen within a few years from sixty to more than two hundred per cent," while "since that time, within the compass of eleven years, it had risen from two hundred and twenty to about four hundred and fifty per cent."<sup>1</sup>

It was to no purpose that he exhibited this discouraging state of the public finances. The facts were as indisputable as they were appalling; there was no need of words to impress them on the Legislature; the Legislature knew them as well as the Governor, and felt them as much. But the Legislature, disabled by the deplorable improvidence of its predecessors through Financial  
embarrassment. a course of years, was bewildered, baffled, helpless. It is easy to say that whoever, being honest, has recklessly or unfortunately contracted debt, must distress himself to pay it, and not be content with renewals of promises to pay. A community must discharge its debt by sales of its property, if it has any, and by taxation of its citizens. Massachusetts had no salable property. She taxed her people severely, as it was. But as long as, owing to past mismanagement, the best that they paid in taxes, and the best that they had to pay, was a fictitious currency constantly falling off in value, the accumulation of taxes brought the treasury no nearer to the point of solvency.

The assembled wisdom could devise no means of relief.

<sup>1</sup> Mass. Prov. Rec. — August 23, Shirley wrote to the Duke. He had received his commission "Thursday was se'nnight." He thanks his patron for "all your goodness to my family." "Colonel Shute," he wrote, "quitted the chair, and Mr. Burnet broke his heart, through the temper and disposition of the people; and Mr. Belcher, in the midst of his countrymen, failed of carrying any one of those points for the crown which might have been expected from him." Belcher, he said, "had been playing a double part" in respect to the great question of his time. He had aimed to "secure his station by the smallness of his salary;" that is, by yielding in the dispute on that question.

The case seemed nearer and nearer to becoming desperate. The Houses passed a bill of supply, which, among other objectionable features, allowed the payment of taxes in certain perishable commodities. The Governor informed them that his instructions forbade him to approve such a bill. They were not prepared with any thing better, and they were dispersed to their homes for a month, leaving an empty exchequer. They had promptly made a grant to the Governor of two thousand pounds, which, as it was declared to be for the temporary expenses of his accession, he did not scruple to accept with assurances of gratitude.<sup>1</sup>

In coming to the head of affairs in Massachusetts, the clear mind of Shirley, not yet turned to visions of military greatness, had not failed to be impressed with the gravity of the situation. A residence of ten years in the Colony had brought under his daily observation the disastrous consequences of the popular delusion, so often embraced by ignorant cupidity, and so uniformly exposed by doleful experience, that money can be made of paper. The crisis had now come. Private bank, public bank, all ingenious expedients for making payments with promises to pay, had been tried, and had proved their inefficacy. The time was close at hand, beyond which the provincial authorities were positively forbidden by the King's gov-

<sup>1</sup> The House, displeased with its agent in England, Francis Wilks, perhaps on account of his friendliness to Belcher, expressed its dissatisfaction by a vote (September 18) for his discharge, and elected Christopher Kilby in his place.

An application to Shirley from the British commanders in the West Indies for recruits to their force was referred by him (September 23) to the General Court. The service did not prove attractive enough to en-

gage a sufficient number of volunteers; and it deserves recording as an illustration of the estimate put in those times upon persons not making themselves definitely useful in some way, that when the Governor recommended the impressment of a sufficient number of men to meet the requisition (December 31), he added, "in which case those able-bodied men who are of little or no value to the community, though very fit for his Majesty's service, may be taken."

ernment to pursue the wild game by the further issue of a dishonored currency. Shirley's first brilliant military success, as will presently be seen, was destined to provide the means of extrication from a state of things in which Massachusetts, with ample resources in the capacities of her position and the energy of her people, was kept in a miserable state of indigence and discomfort. But as yet nothing of that result could have so much as occurred to his imagination. As yet he was able to conceive nothing better than schemes of palliation and schemes for further procrastination; and these, at much sacrifice and at vast hazard, were made partially availing, till relief at length came from a quarter hitherto undreamed of. Relying on the effect of representations made to the King's government by the agents of Massachusetts of the indispensableness of a provision for the treasury,<sup>1</sup> he took the responsibility of signing a supply bill in which were introduced some amendments conformed to his views; and he wrote to the Duke that he had prevailed with the General Court to protect creditors against the depreciation of bills of credit, and to draw them in "at certain periods." Two Acts which he had procured to have passed — one, "for the supply of the treasury," the other "for ascertaining the value of money" — he considered to be "of more service to the country than all the Acts of Assembly that have been made since the first emission of bills of credit here."<sup>2</sup> "The Act of Parliament for suppressing the

Temporary  
expedients.

1742.  
Jan. 15.

Jan. 23.

<sup>1</sup> Register of the Privy Council, for Aug. 4, 1741; comp. *Ibid.*, for December 31.

<sup>2</sup> Comp. Minot, *History of Massachusetts*, I. 90. For the Acts, see *Province Laws*, II. 1077 *et seq.*, 1083 *et seq.* Under the pressure of the circumstances these Acts obtained the reluctant approval of the King in Council (Council Register, for June

21, 1743), and before long the strictness of the recent years gave way altogether, and Shirley received full "power to issue a large quantity of paper money during the present war." (*Ibid.*, for Aug. 29, 1744; comp. *Journal of the Board of Trade*, for Feb. 3, 1742; June 9, 22, July 27, Oct. 26, 1743; April 9, 1745.) Bills of the same time for "the emission

Land Bank scheme" had, he said, been obeyed by the directors, "who have got above one-third of their bills in and consumed 'em to ashes, and are daily endeavoring to draw in the remainder of 'em."<sup>1</sup>

Once more there was a revival, but only for a moment, of the most material dispute of the first fifty years of the government under the second charter. As the first ses-

1741. sion under Shirley's administration drew towards  
Oct. 7. its close, the General Court made him a grant of

of £7000 or £8000 extraordinary in bills of credit," in order to enable the Province to finish the new works and fortifications, encountered still less opposition from the home government; but it was made a condition of the issue of these bills that they should be drawn in and paid within the next two years. (Council Register, for Jan. 19, May 31, June 2, 21, 30, 1743; comp. Journal of the Board of Trade, for Jan. 13, Feb. 16, 1743; Council Register, for Aug. 4, Dec. 31, 1741, and Aug. 29, Sept. 6, 1744.)

The vigilant Board of Trade considered the beginning of an administration in the Province as an opportune occasion for scrutinizing the observance of the Navigation Laws. Feb. 26, 1743, Shirley wrote "a particular answer to the Board's queries relating to the methods used in that Province to prevent illegal trade." They had also a letter from Bollan (Shirley's son-in-law, who, on his own promotion, had succeeded him as Advocate-General), "giving an account of a large illicit trade lately carried on in that Province, destructive of the interest of Great Britain in her trade to her own Plantations, and contrary to the main intent of all her laws made to regulate that trade, by importing into that Province large quantities of European goods, of almost all sorts, from different parts of Europe." The Board

likewise consulted Mr. Auchmuty, the New England Judge of Admiralty, who was in London at the time. (Journal of the Board of Trade, for May 4, 5, 10, 19, 31, 1743.) But apparently they did not conclude that the case was suitable to trouble the Privy Council with, as I do not find that it was entertained by that body. At all events, the great transactions which soon followed shoved it aside from further attention for the present.

<sup>1</sup> "The malignant spirit raised by the Land Bank scheme is now vanished." (Letter of Shirley to the Duke, of Oct. 17, 1741.) The Directors had agreed "to put an entire end to the scheme, and disincorporated themselves." — The bank had "been so truly destroyed that not one honest man will suffer much by it." Belcher, he wrote, had been dilatory in his opposition to the Land Bank, till he was alarmed by applications of the merchants to the King in Council. The methods he then took, "turning many out of public posts, &c., . . . served only to exasperate the people, and beget a malignant spirit." (Letter of September 15.)

Faneuil Hall was given to the town of Boston in this year. (Mass. Hist. Coll., III. 343; Lovell's Funeral Oration on Peter Faneuil, Esq.)



six hundred and fifty pounds in the form which the Court had persisted in observing. He took no action upon it at the time, but in their next session he informed them that he was instructed to demand a regular salary of a thousand pounds, and he enforced the requisition by an elaborate argument which covers several pages in the record. The House excused itself from acting in the case, on the ground that the number of its members in attendance was small.<sup>1</sup>

Renewed  
claim for a  
fixed salary.

1742.

Jan. 21.

Jan. 22.

The Governor, forbearing to insist ungraciously on the demand at the time, renewed it at the beginning of the next session. The House declined it in a brief, frank, and well-reasoned reply, followed up, on a repetition of it, with arguments drawn out at length, and adopted by a unanimous vote, in which they justified themselves in a refusal to make even a limited arrangement of the kind required, and did not shrink from avowing that they meant to keep the Governor dependent on them for his maintenance. This was, they said, a very fit principle of a government which was balanced by the mutual dependence of its several departments, the Council being dependent on the Governor for its constitution as to members, the House being no House except under the Governor's power of convoking, proroguing, and dissolving, and no legislation of the two branches being operative without the Governor's approval. The Governor repeated, largely and skilfully, the reasonings and implied threats which had

March 27.

March 30.

April 6.

April 9.

April 14.

<sup>1</sup> March 9, 1742, the Governor ordered the Attorney-General to file an information against Thomas Fleet, of the "Evening Post," for a libel on Sir Robert Walpole. (Mass. Arch., XX. 329; see Vol. IV. 559, note 2.) The holding by Sir Robert Walpole, for over twenty years, of the lucrative office of "Auditor of the Amer-

ican Revenue," than which "the government hath not a more beneficial employment to bestow, and no other government in Europe one so good," was one of the subjects of reproach against that statesman when his fortunes declined. (See Gentleman's Magazine, XI. 422.)



April 15. become familiar on his side of the question, and  
 April 20. twice refused the requests of the Court for a pro-  
 rogation. But the approach of the time when by the  
 charter it was necessary to issue writs for the annual  
 election compelled him to desist from this kind of coer-  
 cion; and he permitted them to separate, having  
 April 23. first addressed them with a formal presentation of  
 his case, using no disguise in respect to his purpose of in-  
 fluencing the popular election which was at hand. He  
 allowed them, he said, to rise, because he was "desirous  
 to avoid the least show of extorting that, by any method,  
 which it was the interest of the people of this Province  
 should appear to be a free act of their duty to his  
 Majesty."

This was more civil language than had been habitual  
 to Dudley, Shute, Burnet, or Belcher, but it proved no  
 more effectual to convince or persuade.<sup>1</sup> The  
 May 26. new House met. The Governor briefly proposed  
 the question respecting his salary, referring to his previous  
 arguments upon the subject. The House replied  
 June 2. by a grant of two thousand three hundred and  
 fifty pounds, in the long-accustomed form, and  
 Close of the controversy. he signed the bill, thus bringing the controversy  
 to a close.<sup>2</sup> The Governor and the Ministry had become  
 satisfied that the Province was not to be moved by menace  
 or by importunity from the ground which on this subject  
 it had taken, and the time when its favor was wanted for

<sup>1</sup> In a letter of May 4, Shirley acknowledged the Duke's consideration for him in advising Mrs. Shirley "to endeavor to get an interest in Lord Wilmington's favor" for her husband. He had heard, he writes, that "a scheme has been formed by Mr. Auchmuty, who has lately gone from here, agent for the Province to London, to supplant this gentleman [Secretary Willard] in favor of

another, by misrepresenting him as too old and infirm for the office."

<sup>2</sup> Nevertheless, he still held out to the Duke the idea that the measure of a stated salary was not hopeless, though he thought that the point would have to be carried, if at all, by address, and by degrees and favorable opportunity, and not by urgency. (Letter of June.)

reinforcements to the army in the West Indies was not the time for persistence in presenting a cause of irritation. After a quiet session of five weeks, the Court was July 2. adjourned to the autumn.<sup>1</sup>

In the interval the Governor met a delegation of Indian chiefs on St. George's River, being anxious respecting the influence which might be in action upon them on the part of French missionaries, now that the relations between England and France were becoming critical.<sup>2</sup> But he was

<sup>1</sup> The Journal of the Board of Trade, for Nov. 11, 1742, records the reading of a letter, in which Shirley (August 30) informed the Board "of his having, in obedience to his Majesty's instructions, altered the enacting style of laws." Mr. Goodell, the very learned editor of the Provincial Laws, enables me to elucidate this record by reference to the following facts:—

The list of instructions prepared for Governor Burgess, Sept. 8, 1715, contains the following article:—

"*In passing all laws, the style of enacting to be 'by the Governor, Council, and Assembly,' and no other.*"

This instruction, substantially, was renewed to every succeeding Governor. It was the eleventh article of Shute's instructions, the seventh of Burnet's and Shirley's, the eighth of Belcher's, the sixth of Pownall's, Hutchinson's, and Gage's, and the fifth of Bernard's. The objectionable words, "*and by the authority of the same,*" by which the colonists had appeared to assert their autonomy in the form adopted at the beginning of their legislation under the provincial charter, were first suppressed in Shirley's time as a politic concession to the new Governor; and this concession, of course, was made the most of by the Governor in his reports to the home government.

From the Province Laws, II. 1090 *et seq.*, where the Acts are arranged

and enumerated according to the date of publication, and not of passage, it appears that chapters 19, 22, and 21, passed, respectively, in 1742, April 7, 9, and 12, O.S., retained the old form of the enacting clause, differing in that respect from chapters 18, 20, 23, and 24, which were passed April 23.

From 1741 until the Revolution, the "*authority*" of the Provincial Legislature was perhaps never asserted in the enacting clauses, except in chapters 18, 23, and 24, where the objectionable words were ingeniously inserted, not in the first clause, but before some subsequent sections; as, for instance, §§ 2, 5, 7, 8, &c., in chapter 18.

It is clear that the watchful wisdom of the Privy Council detected in the discarded words a grave import,—perhaps a precedent which would prove inconvenient when, if ever, an issue should be joined on the question of local independence. (Comp. Hutch. Hist., III. 312 *et seq.*)

<sup>2</sup> He wrote to the Duke, August 30, that these eastern Indians had hitherto been in the habit of keeping the Governors waiting for a conference, and of treating under the French flag, but that he had brought them to come to him directly, and "with a British Union flag at the head of their canoes." Fort Frederick, at Pemaquid, he said, "is now rebuilding with stone."

Sept. 3. able to report to the Legislature that, as far as the protestations of the savages deserved confidence, they were in a friendly and submissive temper.<sup>1</sup> The next

1743. General Court made him a liberal grant (thirteen  
June 8. hundred and fifty pounds) in the ancient form, and he received it without objection; and, the question on the stated salary being thus dismissed, the executive and legislative departments were thenceforward on the best of terms during most of his administration. He continued, as was his dismal duty, to complain of the condition of currency and credit, already almost intolerably bad and growing daily worse; but he had to acquiesce in the apparent impossibility of devising measures of relief. Massachusetts was the victim, not only of her own financial mismanagement, but scarcely less of the imprudent and injurious management of her neighbors. The Gov-

1744. ernor invited the Court to observe that, in addi-  
Feb. 9. tion to their own depreciated paper currency, there were bills of Connecticut and Rhode Island in circulation in Massachusetts, to the amount of fifty thousand pounds and of three hundred and fifty thousand pounds respectively, and that Massachusetts had already lost, in the depreciation of these securities, no less than a hundred and eighty thousand pounds, estimated in that currency.

In this desperate pecuniary condition it must have been with nothing short of dismay that the Court heard  
April 27. itself applied to by the Governor to provide for the probable exigencies of a war, which he had reason to believe imminent, between England and  
War be- France. The withdrawal from affairs of the pa-  
tween Eng- cific statesmen, Fleury and Walpole, the one by death, the  
land and other by parliamentary disaffection, had now removed the  
France. checks which had delayed a participation in the conflicts

<sup>1</sup> Mass. Prov. Rec., *sub die*; comp. Journal of the Board of Trade, for Nov. 11.

of the continent, and war had already been de-  
 clared by both the western powers, between which  
 a peace had been maintained for thirty years. Intelli-  
 gence of the rupture was promptly despatched to New  
 France. Before it reached Boston, a force of nine hun-  
 dred men, sent by the French Governor of Cape  
 Breton, surprised and captured the post at Can-  
 seau, garrisoned by eighty New England soldiers. The  
 fort was burned, and the prisoners were taken to Louis-  
 burg.<sup>1</sup> Annapolis, too, where the works had fallen into  
 decay, was threatened, and would not have escaped a  
 similar fate, had not Shirley providently succored it with  
 a reinforcement of eighty men.<sup>2</sup> When the new Court  
 of Elections came together, the hostile movements at the  
 North were known in Massachusetts, and it was plain that  
 the Governor's invitation to adopt vigorous measures must  
 be immediately met. A Joint Committee of War  
 was raised, with William Pepperell, of Kittery,  
 President of the Council, at its head. Five hundred men  
 were impressed. Two hundred men were despatched to  
 reinforce Annapolis, which was understood to be still  
 threatened by the Indians.<sup>3</sup> Powder was distributed into

March 15.

March 29.

May 13.

June 1.

<sup>1</sup> Mass. Hist. Coll., I. 6 *et seq.*,  
 Memoirs of the Principal Transactions  
 of the Last War, &c., 16.

<sup>2</sup> Ibid., 20.

<sup>3</sup> Early in the spring, the Gover-  
 nor had raised ten companies of  
 "snow-shoe men," each company  
 consisting of fifty soldiers, to serve  
 against the Indians. (Letter to the  
 Duke, of March 19.) Hearing that  
 the French meditated an attack upon  
 Annapolis, he had reinforced it with  
 a company. (The same to the same,  
 July 7.) Major Mascarene was in  
 command there, and, under him, Bas-  
 tide, afterwards engineer at Louis-  
 burg. August 6, Shirley informed  
 the Duke that he had prevailed on

the Mohawks to send a message to  
 the eastern Indians, threatening them  
 with an inroad if they engaged in any  
 disturbances. At the same time, he  
 asked leave to consent to the issue  
 of more bills of credit, towards  
 the maintenance of the war.—  
 November 9, he reported that the  
 French officer, Duvivier, had re-  
 treated from before Annapolis, "upon  
 Captain Gorham's arrival with his  
 company of Indian rangers from  
 New England," and that Gorham  
 had so used his command "that the  
 garrison is now entirely free from  
 alarms."—December 8, he wrote:  
 "What has hitherto been done for  
 his Majesty's service in these parts

all the towns. A range of forts was planned, to be built between the Connecticut and the Hudson. A circumstance which gave great satisfaction was the arrival of a contribution from the King to the armament of the fort in Boston harbor, consisting of two mortars, and twenty forty-two pound cannon. Through the rest of the year the Court, expecting events which would prescribe its action, was repeatedly convoked and adjourned, holding no fewer than four sessions in six months. It was a time of acute anxiety. War between England and France meant no less for New England than a renewal of the old horrors of Indian massacre and rapine.

The English and French posts at the north-eastern point of New England approached each other closely. The English settlement of Annapolis, formerly Port Royal, was on the north-western side of the peninsula of Nova Scotia, of which the population, of some eighteen or twenty thousand, was almost wholly French. At the opposite extremity of Nova Scotia was the fort at Canseau, on a strait, called by the same name, which separates the mainland from the island of Cape Breton. This island, then occupied by the French, stretches nearly half across the wide entrance to the Gulf of St. Lawrence. On its south-eastern side, close to a long roadstead called by the French the Bay of Chapeau Rouge,—a name corrupted by the English into *Gabarus Bay*,—the French government, since the peace of Utrecht more than thirty years before had secured the island to them, had constructed and been laboriously strengthening a formidable fortress on a point enclosing and commanding a convenient harbor.

The fort, and the town which grew up by it, both took the name of Louisburg. The fort was built of stone, with walls more than thirty feet high, and a ditch eighty

with respect to Annapolis Royal, has been done singly by this government, unassisted by any of the neighboring Colonies or Provinces.”

feet wide, over which was a communication with the town by a drawbridge. It had six bastions and three batteries, with platforms for a hundred and forty-eight cannon and six mortars. On an islet, which was flanked on one side by a shoal, a battery of thirty guns, twenty-eight pounders, defended the entrance of the harbor, which was about four hundred yards wide, and was also commanded from within by the Grand or Royal Battery, mounting as many guns, of the calibre of forty-two pounds. The fort, which, still unfinished, was computed to have already cost a million and two hundred thousand pounds sterling, was a safe rendezvous and refuge for French fleets and privateers sailing in the Western Hemisphere. It commanded the maritime way into Canada, and it watched the English settlements all along the coast. It was a standing threat to the great business of New England seamen, which was the fishery on the Banks. At present it had a garrison of six or seven hundred regular troops, and twice as many militia.

The General Court of Massachusetts had scarcely come together in the winter, when it was thrown into amazement by a proposal, from the Governor, of an extraordinary scheme in relation to this fortress. He prepared the way for it by requesting that it might be received under an engagement of secrecy.<sup>1</sup> From prisoners taken by the French at Canseau, and released after some detention at Louisburg, he had, he said, received information respecting the condition of the latter place, which inspired him with the hope that it might be reduced by a sudden assault. He was told that, in the winter, snow-banks so high and firm were sometimes heaped against the outside of the walls as to

The Governor's scheme for its reduction.  
1745.  
Jan. 9.

<sup>1</sup> So say Hutchinson (Hist., II. 408) and the author of "Memoirs of the Last War" (p. 36). Accordingly, the printed Journal of the House, for January 11 and 15, omits all notice of the proceeding. It is related in full in the Journal of the General Court, which was made up later.

admit of their being climbed over by a brave assailing party; but that there was an alternative, if circumstances should not favor the execution of so bold a measure; he was assured that the garrison was insubordinate and ill-provisioned, and that, if the supplies which it was accustomed to receive from France every spring could be intercepted, it would easily be discouraged into a surrender. He had already informed the English Ministry of the necessity that existed for the presence of a fleet to defend Annapolis, and he had written to Commodore Warren, who was in the West Indies with some ships of war. From one of these quarters he hoped to obtain a naval force sufficient to prevent a relief of Louisburg by sea.<sup>1</sup> Accordingly he proposed to the Court to send, with all possible secrecy and despatch, four thousand provincial soldiers in transports, to rendezvous at Canseau, whence, as soon as plans for action could be satisfactorily completed, they should proceed to disembark on the shore of Chapeau Rouge Bay, and reduce the fortress by surprise or by regular approaches, according as circumstances should prove to require or permit the one proceeding or the other.<sup>2</sup>

The Court received the proposal with incredulous wonder. The disproportion of means to ends seemed to them so extreme as well-nigh to forbid that serious consideration of it which, however, could not be refused to a scheme of the Chief Magistrate.<sup>3</sup> They referred it to a committee, at the head of which was William Pepperell. After two days' deliberation, the committee reported that, immensely desirable as was the object

The scheme  
rejected by  
the General  
Court.  
Jan. 11.

<sup>1</sup> *Memoirs of the Last War, &c.*, 31-35.

<sup>2</sup> Smollett (*History of England*, III. 541) attributes the conception of the plan to Robert Auchmuty, the Massachusetts Judge of Admiralty. (*Comp. Mass. Hist. Coll.*, V.

202.) Hutchinson (*Hist.*, II. 406, note †) and Belknap (*Farmer's edition*, 269) to William Vaughan.

<sup>3</sup> "A colonel in this expedition" said that, "if the French had not given up Louisburg, we might have endeavored to storm it with the same



proposed, the undertaking was altogether beyond the capacity of the Province, and on all reasonable grounds of calculation could not fail so to result as to consummate a ruinous financial distress; that there was no safe reliance to be placed on the report which had been brought of the insecurity of the works at Louisburg, or the demoralization of the garrison; that in the formal movements of war the courage of new levies was no match for the discipline of regular troops; that the Province had no siege artillery, and could get none; that its heaviest vessel carried but twenty guns; that the whole fleet in which the soldiers, victorious or beaten, were to come back, if at all, could not maintain itself against a single French frigate; and that even if undisturbed it would be of little use for a blockade, in seas and at a season where there was a constant alternation between furious tempests and blinding fogs. These and other considerations made the committee decide that Massachusetts was not equal to the capture of Louisburg, but that urgent representations ought to be made to the English government of the desirableness of that acquisition, and of the wisdom of devoting to it such military and naval forces as would render availing the assistance which the Province was disposed liberally to afford, in the measure of its ability.

The report was accepted, as far as appears, without opposition, and the project might seem to be disposed of.<sup>1</sup> The Governor, however, was sanguine and persevering, while he had too much address to provoke contradiction by an appearance of assumption and impracticableness. The secret of his communication to the Legislature was said to have escaped by means of the simplicity of a Representative, who in his family devotions prayed for Divine guidance to his action on a matter

Persisted  
in by the  
Governor.

prospect of success as the devils  
might have stormed heaven." (Doug-  
las, Summary, &c., I. 336.)

<sup>1</sup> Memoirs of the Last War, &c.,  
36.



of such moment.<sup>1</sup> However disclosed, it spread with rapidity, exciting, as it went, an enthusiasm which made no careful calculations; and it was thought to be not without

Jan. 15. encouragement from the Governor, who sent two

Jan. 23. more messages upon the subject, that petitions

from merchants and fishermen of Boston, Salem, Marblehead, and other sea-coast towns, solicited a reconsideration

of his plan.<sup>2</sup> A second committee made a favorable report, and after a day's debate the House

Adopted by  
the Court.

Jan. 25.

signified its approbation by a majority of a single vote.<sup>3</sup>

Here ended all dissent, repugnance, criticism, indifference. Henceforward the only question was as to who could do most to further the great design. After an unusually good harvest, provisions were abundant. Enlistments were facilitated by a stagnation of commerce, which left numbers of seamen and others without employment. The Governor solicited aid from the other English Colonies as far south as to Virginia, but it came only from those of New England, except that New York lent ten small guns (carrying eighteen-pound shot), and New Jersey

<sup>1</sup> Belknap (Farmer's edit.), 270.

<sup>2</sup> January 14, William Vaughan, in a letter to Shirley, urged him vehemently to persevere in the scheme, when the Legislature shrank from undertaking it. According to a contemporaneous memorandum, attached to this letter, "Mr. Vaughan went to Marblehead, where there were plenty of seamen and vessels, and where they gave him encouragement to furnish vessels in fourteen days for thirty-five hundred men; and more than a hundred signed a petition for the revival of the affair, which he preferred to the General Assembly, with another, signed by more than two hundred principal gentlemen in Boston, upon which the affair was carried into execution and

accomplished." The same day Shirley informed the Duke of his application to the Court, and of its ill success; and on the first of February he reported the different conclusion which had been reached in a reconsideration of the matter.

<sup>3</sup> The Committee now reported that they had learned from two persons, lately prisoners at Louisburg, and from "others who have been traders there, that the garrison had not more than five or six hundred regular troops, . . . . three or four hundred fighting men of the inhabitants, . . . . and a small stock of provisions;" and that there were "no vessels of force in the harbor." (Memoirs, &c., 38.)

and Pennsylvania contributed some provisions and clothing. Massachusetts undertook to raise a force of three thousand two hundred and fifty men; Connecticut promised five hundred, and Rhode Island and New Hampshire three hundred each.

It was of the first importance to find a commander capable both of keeping up the enthusiasm that had been excited for the enterprise, and of conducting its operations with spirit and good judgment. The choice fell upon William Pepperell, of Kittery. He was the son of a Devonshire man of the same name, who had come first to the Isles of Shoals, where he prospered as a fisherman, and then to Kittery, where he accumulated a considerable property for those days. The son, with better but still with no distinguished advantages for education, followed in his father's steps. When he was old enough, he became his father's partner in a miscellaneous business. They bought land, carried on farming, built ships, employed fishermen, and traded with the Southern Colonies, with the West Indies, and with Europe. The younger partner, thirty-eight years old at the time of his father's death, was the only surviving son, and inherited the greater part of the estate.

Lieutenant-  
General  
William  
Pepperell.

1734.

Feb. 15.

While, in the diligent prosecution of a profitable business, he became probably the richest man in the Province, he took an equal interest in public affairs, and received tokens of the public confidence. He had scarcely come of age when he was made a justice of the peace and a captain of cavalry. When thirty years old, he represented Kittery in the General Court, and the next year was chosen a member of the Council.

1728.

When Governor Belcher reconstituted the eastern Court of Common Pleas in order to get the appointment of its clerk, he placed William Pepperell at its

1730.

head, who ordered a law library from London, and applied himself to the study of that science. He gave sedulous attention to the discipline of his regiment, and to military affairs in general; the protection of the eastern towns against the savages being a perpetual and urgent duty devolved especially upon him. He was so far without qualification for the capture of a fortified place, as that he had never seen a siege. But in this he was no worse off than any other New England officer. He would have to be governed by his good sense, and to devise methods as fast as he might, under the instruction of experience. His courage, discretion, probity, and patriotism were notorious and unquestionable. His uniform success hitherto in whatever he had undertaken was an encouraging augury. The people confided in him, and were ready to trust themselves under his command; and something of what was lost by imperfect discipline would be compensated by the cheerfulness of voluntary obedience to a leader powerful through the personal good-will which adhered to him.

Pepperell entered into the scheme with serious distrust. His wisest friends were on the whole the least sanguine. Even the ardent Whitefield could give him no better encouragement than that, though the plan did not seem promising, he must "go with a single eye," and then he would find that "as was his day, so his strength would be." Whitefield is said to have furnished as a legend for the regimental colors the words, "Nil desperandum, Christo duce;" and, among his disciples who enlisted, one had equipped himself with a hatchet to be used in demolishing the idols in the Popish churches.<sup>1</sup>

While the enlistments and other preparations were in progress, precautions were used to prevent intelligence

<sup>1</sup> Gillies, *Memoirs of Whitefield*, Times of the Reverend George White 147 *et seq.*; comp. Philip, *Life and field*, 308.

from getting abroad. The naval force proper consisted of fourteen vessels, of which the largest, carrying twenty guns, was commanded by Edward Tyng, commodore of the fleet. The transports were eighty or ninety in number. While they were assembling at Nantasket, in less than two months after the Governor's first communication to the Court, a squadron sailed to blockade Louisburg and intercept supplies. A day of fasting and prayer was appointed to be kept throughout the Province, and single churches made their own arrangements for the like solemnity to be observed at other times. The troops from Massachusetts, three thousand two hundred and fifty in number, besides commissioned officers, were a week on their voyage to Canseau, the place of rendezvous. They found there the contingent from New Hampshire, three hundred strong. That from Connecticut, composed of five hundred and sixteen men, commanded by Lieutenant-Governor Wolcott, joined them after three weeks. The men expected from Rhode Island did not appear till the campaign was over.

Muster and  
despatch of  
the troops.

March 24-  
April 1.

Arrived prosperously and secretly within fifty miles of Louisburg, the Lieutenant-General (such was the rank which the commander's commissions conferred<sup>1</sup>) saw his not easy task confronting him close at hand. He had brought instructions drawn out with much detail, for the lawyer Shirley already entertained that overestimate of his own military genius, which made his later life a disappointment. Pepperell found himself directed to do a number of things which would only come within his power if he could command the elements and adjust the course of time. The weather of

The Governor's in-  
structions.

<sup>1</sup> Pepperell was commissioned by the Governors of Connecticut and New Hampshire, as well as by Shirley. Wolcott, of Connecticut, had a commission from Shirley as Major-General, and Samuel Waldo and Joseph Dwight, of Massachusetts, as Brigadier-Generals.

the early spring was yet unsettled. The rocky coast was hidden much of the time with heavy fogs. The pilots had but an imperfect knowledge of it. The invaders had no guns fit for a siege; their whole artillery, except the ten cannon from New York, consisted of twenty guns (eight carrying balls of twenty-two pounds' weight, and twelve of smaller calibre) and four mortars, from the castle in Boston harbor;<sup>1</sup> and they were utterly without experience in operations of that kind. An inspection ascertained the small arms to be "slighty" and the provisions insufficient. The enemy occupied a well-constructed work, with a powerful armament, a considerable force of men, and, for any thing that could be said to be known to the contrary, adequate supplies.

"Your proceedings from Canseau," wrote the self-complacent Governor to the general, "must be such as to time your arrival at Chapeau Rouge Bay about nine of the clock of the evening, or sooner or later, as you can best rely on the wind, weather, and darkness of the night." That done, the troops were to be forthwith disembarked, and the place, order, and manner of their landing were circumstantially prescribed. Being formed on shore, "three divisions, consisting two of six hundred men each, and one of four hundred men, are to march," so the order proceeds, "as near as they can guess to the back of a range of hills about west from the town, about one mile and a half, and here the two detachments of six hundred men each are to halt and keep a profound silence, while the other detachment of four hundred men pursue their march, following the range and under cover of the said hills round to the north-west and north, till they come to the back of the said battery, where they are also to halt till a signal agreed on be given for them to march immediately to the said battery and attack it;" and the man-

<sup>1</sup> *Memoirs of the Last War, &c.*, 40.

agement of the battle which was to follow is prescribed through all its incidents with the same particularity. If the attempt at a surprise from any cause should fail, a regular investment was to be made, of which the proceedings are indicated through several pages of equally minute specification. The general did not need to be a professional soldier to be amused at the easy steps by which his superior marched on to triumph. He may be pardoned if the part of the letter the most satisfactory to him was the postscript, which ran as follows: "Upon the whole, notwithstanding the instructions you have received from me, I must leave it to you to act, upon unforeseen emergencies, according to your best discretion."<sup>1</sup>

A whole month the troops were detained at Canseau, waiting for the ice to break up, by which Cape Breton continued to be surrounded. During all this time, the presence of neither the military nor the naval force was discovered from that island. The vessels had orders to cruise out of sight of land; and if occasionally a sail was seen from Louisburg, it passed for one of the privateers, of which often there were numbers in those seas.

The prospect was at last brightened by the joyful event of the arrival of Commodore Warren with a ship of the line and three frigates from the West Indies. After replying to Governor Shirley that he could afford no aid to the expedition for want of orders, he had received instructions from England occasioned by the Governor's representations to the Ministry in the preceding autumn, and without loss of time set sail for Boston; but falling in with a fishing sloop in Massachusetts Bay, and learning that the expedition had gone to sea, he took out the officers for pilots, and shifted his course for the place of rendezvous. There he was presently after joined by three or four other heavy men-of-

Reinforce-  
ment by a  
British  
fleet.  
April 23.

<sup>1</sup> Mass. Hist. Coll., I. 5-12.

war, making his fleet consist of five ships of sixty guns and six frigates, besides the provincial vessels, which, agreeably to orders from England, and with Pepperell's ready acquiescence, Governor Shirley had transferred from the general's command to that of the commodore.

At length, agreeably to the Governor's plan of coming upon the garrison by surprise, the expedition set  
April 29. sail as an evening shut in; but, the wind dying away, the vessels made slow progress, and the next morning were in sight from the town. By a dexterous feint, a landing was successfully effected, in the face of  
Landing before Louisburg. a small force which came from the fort to oppose it. Colonel Vaughan, of New Hampshire, was presently sent forward with four hundred men to attack the outwork called the Grand Battery, to which the invaders looked for a supply of heavy artillery; for, in the spirit of the whole romantic enterprise, those guns, to be first captured from the enemy, had been counted on for cannonading his walls.<sup>1</sup> At a little distance to the windward of the battery were some warehouses containing naval stores and a quantity of wine and brandy. These Vaughan reached by night, and set on fire. The smoke, rendered dense and pungent by pitch, tar, and other like combustibles, and driven by a strong wind into the Grand Battery, so disturbed the French, ignorant as they were of the number of the assailants, that they abandoned the work and withdrew within the town. Approaching cautiously for a reconnoissance in the morning, Vaughan was surprised to find the place deserted, and presently a message from him reached headquarters, conceived in these gratifying terms: "May it please your Honor to be informed that by the grace of God and the courage of thirteen men I entered the Royal Battery about nine

<sup>1</sup> "Too manifest a disposal of the skin before the bear was caught." (Hutch., Hist., II. 413.)



o'clock, and am waiting for a reinforcement and a flag." The cannon which the French had spiked on their retreat were drilled, and were immediately turned with annoying effect upon the town.

The work of bringing up the cannon from the transports proved difficult and toilsome. They had to be drawn over a morass by men harnessed with straps across their breasts, and wading up to their knees in half-frozen mud; and as the way was in plain view from the walls, and within artillery range, the operation could ill be carried on except by night and on foggy days. Meanwhile one of those fortunate incidents took place, a succession of which occurred so opportunely.<sup>1</sup> The blockading squadron intercepted and captured a French sixty-four gun ship, which was going into Louisburg to relieve the garrison with provisions and military stores. To give intelligence of her fate to the French in the fort, she was towed backward and forward before the entrance of the harbor. For the greater certainty that the disheartening fact should be known, the English commodore resorted to an artifice. He complained to the commander of the French ship, that while he and his fellow-prisoners on board the fleet were receiving the most courteous treatment, the Governor of Louisburg was dealing harshly with Englishmen who had fallen into his hands. The French officer accordingly consented to send in a letter of remonstrance, which answered the purpose of making known to his friends on shore what had become of him and his expected supplies. The messenger, who carried the letter into the town with a flag, concealed the fact that he understood French, and thus had the benefit of

<sup>1</sup> "If any one circumstance had taken a wrong turn on our side, and if any one circumstance had not taken a wrong turn on the French side, the expedition must have mis-  
carried, and our forces would have returned with shame, and an inextricable loss to the Province." (Douglas, Summary, &c., I. 336.)



the lamentations which in the Governor's circle were uttered over the disaster.

Though, matched as the parties were, the progress of the siege could not but be slow, it was obstructed by only one seriously untoward event. This was an unsuccessful night attack of a flotilla of whale-boats, under Captain Brooks, upon the Island Battery at the entrance of the harbor. The night was stormy; the landing was impeded by the violence of the surf beating upon the rocks, and one hundred and ninety men were drowned, killed, or taken prisoners, though the escape of the work was so narrow that a New England officer was cut down while he had his hand upon the flagstaff. The next proceeding against this battery was the erection of another commanding it from the mainland; and, favored still by that strange fortune which by faith and habit the Puritan soldiers recognized as a favoring Providence, they found at low-water mark a sufficient number of heavy cannon for the purpose. The guns had been brought thither by the French for a similar fortification, and had been precipitately buried when they were alarmed by the invasion.

The completion of this battery, erected under the superintendence of Colonel Gridley,—the officer who, thirty years later, laid out the works on Bunker's Hill and Dorchester Heights,—seems to have brought the Governor's mind to thoughts of a surrender. The contemporaneous Scottish grumbler Douglas, in his acrimonious criticism of the campaign, says that “the siege was carried on in a tumultuary, random manner, like a Cambridge Commencement.”<sup>1</sup> Certain it is, however, that things constantly moved on to the result. There was no turning back, no pause, no despondency. Day by day the lines were pushed nearer to the place. The batteries

<sup>1</sup> Summary, &c., I. 352.

were in good and improving condition. The blockade was so complete, that only the arrival of an unexpectedly large French force could bring relief. A regular communication with home was maintained, and supplies had become abundant. A breach, believed to be practicable, had been made at one of the gates. The principal town battery towards the water was nearly ruined, and other works were badly damaged; and the Island Battery, the chief obstacle to the entrance of ships, was commanded by that recently erected.<sup>1</sup> Plans were now daily canvassed in councils of war, and in correspondence between the general and the commodore, for a simultaneous assault by land and water. A vigorous cannonade of the island from the new battery dismounted some of the guns and drove the artillery-men from the rest, while the activity on board the ships and in the camp indicated preparations for a storming of the post, which was actually arranged, the ships to force their way into the harbor, and disembark seamen and marines, and the land forces to scale the western walls.

Thus beset, three days before the day fixed for the assault, the French commander sent out a flag, desiring a suspension of arms to treat for a capitulation. Honorable terms were allowed, the commodore acquiescing in the general's opinion that the Frenchman's wish to march out of the fort with arms and colors was "too small a point to hinder any time upon." On the same day, Bradstreet, lieutenant-colonel of Pepperell's regiment, marched a detachment into the town, and the fleet came to anchor in the harbor. It was well that no delay had been caused by a discussion of the terms of surrender; for the day after the troops were established in their new quarters

Capitulation of the French garrison.  
June 15.

June 17.

<sup>1</sup> Shirley, Printed Letter to the Duke of Newcastle, &c., 30; Memoirs of the Last War, &c., 57.

brought intelligence of the arrival of a body of Indians, said to be twenty-five hundred in number, within two hours' march of the deserted camp; and the weather, which had hitherto been fine since the landing, became such as would have distressed the soldiers in their thin osnaburg tents among trenches filled with water.

Six hundred regular troops and thirteen hundred militia-men became prisoners. When the victors entered the place, they found it a pitiable wreck. Nine hundred shot had been thrown into it, and six hundred shells. Not a house in the town, it was said, remained uninjured, and scarcely three, reports one letter, were inhabitable.<sup>1</sup>

<sup>1</sup> The original materials for relating this transaction are very abundant. My task has been not to accumulate, but to select and condense. The historians Belknap and Trumbull were young children at the time of the exploit, but later they were contemporary with those whose memory of it was fresh. Hutchinson was thirty-five years old, and a Representative in the General Court; and his account of the proceedings (Hist., II. 405-423) leaves little to be added, and nothing to be improved upon. Contemporary documents which I have used in compiling my narrative are the papers in Mass. Hist. Coll., I. 5-48; Wolcott's Journal of the Siege, in Conn. Hist. Soc. Coll., I. 131; Memoirs . . . of the Last War between the English and French in North America; Gibson, Journal of the Late Siege . . . against the French, at Cape Breton, &c. (Gibson accompanied the paroled prisoners to France, where, at Rochefort, he was rudely received); Governor Shirley's Letter to his Grace the Duke of Newcastle, with a Journal of the Siege of Louisburg; the News-

Letter, Post-Boy, Evening Post, and Gazette, Boston newspapers; the printed Journals of the House of Representatives of Massachusetts; the manuscript Archives of Massachusetts and Records of the General Court and of the Council; the voluminous Pepperell Papers, Shirley Papers, and papers in the volume entitled "Siege of Louisburg," in the library of the Massachusetts Historical Society. Some additional, but not important, documents relating to the transaction are among the papers (VIII. 145-203) in the office of the Secretary of the Commonwealth, which were obtained from the French archives for Massachusetts under a legislative Resolve of January, 1845. Dr. Usher Parsons, for his exhaustive "Life of Sir William Pepperell," gleaned various particulars of interesting information respecting his hero and his marvellous exploit. Douglas (I. 347-357) made a contribution to the story, which the reader does not find the less entertaining, or perhaps even the less valuable, for being in the coxcombical style which characterized that conceited censor.

Ships were immediately despatched to Boston and to England with tidings of the great success. It did not fail to diffuse the liveliest joy among all of the British name. "Last Tuesday night," says the weekly newspaper, the "Boston Post-Boy," "arrived here Captain Bennett, with despatches from Lieutenant-General Pepperell and Commodore Warren, by which we have the good news of the surrender of the important city and fortress of Louisburg to our forces, after a siege of near seven weeks. On this joyful occasion, the day following was celebrated in a very grand and splendid manner, being ushered in by the ringing of the bells, and at noon by the discharge of the guns at Castle William, the North and South Batteries, the ships in the harbor with their colors all displayed; and in the evening there was a large bonfire on the Common, where there was a large tent, and the populace entertained with plenty of wine. The whole town was beautifully illuminated, and a great quantity of curious fire-works played off. And the day was concluded with all possible rejoicing." "I heartily congratulate you," wrote Dr. Chauncy to Pepperell, "upon the news we received yesterday, about break of day, of the reduction of Cape Breton. The people of Boston, before sunrise, were as thick about the streets as on an election day, and a pleasing joy visibly sat on the countenance of every one you met with. We last night had the finest illumination I ever beheld with my eyes. I believe there was not a house in the town, in no by-lane or alley, but joy might be seen through its windows. The night also was made joyful by bonfires, fireworks, and all other external tokens of rejoicing."<sup>1</sup>

Rejoicings  
in Massa-  
chusetts.  
July 2.

July 4.

There was a public thanksgiving throughout the Province, on a day appointed by the Governor's proclamation.

<sup>1</sup> Mass. Hist. Coll., I. 49.

In his sermon on that occasion Dr. Chauncy extolled the troops. "They were not," he said, "the scum of the land, idle, worthless creatures, given to profaneness and intemperance, and debauched in their manners, but, for the generality, they were men who had upon their minds an awe of God, and who feared an oath; they were men industrious in their callings, and well able to provide for themselves and families; in a word, they were men of life and spirit, animated with love to their King and country, and willing to venture their lives, not so much to serve themselves as to promote the public good. 'T is a rare thing for so many men of such a character to be engaged in such an enterprise. And I can't but think there was a special hand of Providence in it."<sup>1</sup> And this was not merely the language of a divine. The same is the tone of all the writing that has been transmitted from the time,—in the public acts, in the newspaper paragraphs, in the letters from the camp. The hearts of all seemed too full of a religious gratitude for the happy event, to

<sup>1</sup> Chauncy, *Marvellous Things*, &c., p. 14.—"God, in his providence, hath remarkably stirred up a spirit of prayer in this town for victory in this grand expedition, and I hear also throughout the land. For in this town the parents and other relations of those gone in the expedition have constantly set apart some time every week to pray to God for success in this grand affair." (Letter of Ebenezer Pomeroy at Northampton to Seth Pomeroy at Louisburg, June 11, 1745, in *Hist. Mag.*, XV. 396.)

Dr. Colman represented the achievement as a fruit of the common-school system. "The law with us [the school law] is that which has made us great among the Provinces as at this day, . . . nor had we else been capable of the honor done

us by Providence in the year past, . . . in the conquest which the God of our fathers gave us of Cape Breton." (Sermon at the Ordination of the Reverend Mr. Samuel Cooper, p. 12.)

Franklin's shop at Philadelphia shook with "unextinguished laughter" at the enterprise against Louisburg, and especially at the prayers that were offered for it. (*Sparks, Works of Franklin*, VII. 16.) Franklin represented well one side of the New England character, but not that side to which belong its adventurousness, its enthusiasm, and its faith. Great man as he was, had the population of New England in 1745 been composed of Franklins, the King of France would have little needed to make himself uneasy about Cape Breton.

admit of being relieved by mere shouts of exultation. "Unto Almighty God, who loves to show himself, and in an eminent manner to take part with justice against those mighty oppressors of the earth, who, like an overflowing flood, would bear down all before 'em, be ascribed this great and happy conquest;" such was the language of the newspaper just now quoted, when a fortnight had passed from the first excitement.<sup>1</sup>

The rejoicings at Boston were echoed in other parts of the continent. At Portsmouth, Salem, Newport, New York, Philadelphia, the news was greeted with salvos from the forts, dressing of the ships with flags, ringing of the bells, bonfires, illuminations, and all sorts of public and private festivities. The General Court of Massachusetts took measures for forwarding supplies of pay, provisions, and warlike stores for the garrison, and materials for reconstructing the damaged works, — an example which was followed by the governments of the other New England colonies. New York made a contribution of five thousand pounds, New Jersey of two thousand, and Pennsylvania of four thousand, the

Rejoicings  
in other  
Colonies.

<sup>1</sup> Post-Boy, of July 22. — A ballad of the day (Boston News-Letter, of Dec. 12, 1745) relates how

"Neptune and Mars in council met,  
To humble France's pride;  
Whose vain, unbridled insolence  
All other powers defied."

The result of this conference was that

"Both agreed  
Shirley should form the scheme."

He did so, and to such effect as the poet could exult over thus: —

"Louis! behold the unequal strife, —  
Your slaves in walls immured;  
While George's sons laugh at those walls,  
Of victory assured.

One key to your oppressive pride, —  
Your western Dunkirk's gone;

So Pepperell and Warren bid,  
And what they bid'was done.

Forbear, proud prince, your gasconades,  
Te Deum cease to sing;  
When Britons fight, the Grand Monarque  
Must yield to Britain's king."

Douglas (I. 353) preserves a specimen of a flight even higher. An anonymous muse sang

" . . . . That New England's schemes the Old  
surpass,  
As much as solid gold does tinkling brass;  
And that a Pepperell's and a Warren's  
name  
May vie with Marlborough and a Blake for  
fame."

Certainly, if "brave names will hallow song," they cannot be so much relied upon to inspire song, or make it tuneful.

last-named province accompanying its vote with a declaration that "though the peaceable principles professed by divers members of this Assembly do not permit them to join in raising of men or provisions, arms and ammunition, yet in all suitable ways they always held it their duty to render tribute to Cæsar."

On the arrival in England of the frigate sent out by the commodore with the intelligence, her commander received a gratuity of five hundred pounds, the Park and Tower guns were fired by order of the Lords of the Regency (the King being then abroad), and "a general joy and gladness was diffused through the whole kingdom." The circles rang with applause, and the press tasked its resources for suitable commendation.<sup>1</sup>

When Pepperell returned from Louisburg in the summer of the following year, he was conducted to his home in a sort of triumph. Coming into Boston Harbor in a frigate, under salutes from the ships and batteries, he was received at the Castle by the Governor, who conducted him to town. On the Long Wharf he was met by the Council and Representatives, who accompanied him, under the escort of the Governor's battalion of Cadets, to the Council Chamber, where the House presented an Address of thanks and congratulation through

<sup>1</sup> "Our countrymen and kinsmen of New England" (said the Gentleman's Magazine, XV. 422) "are like herbs and trees, which increase in beauty and vigor by being transplanted. They almost shame the soil of their ancestors by their stately growth. . . . When I reflect on the sagacity and bravery of Mr. Pepperell, and of the New English engineer who left his shop-board, and the intrepidity of the rest of the New Englishmen in this expedition, when I consider the coolness and bravery with which they marched to action, and their return from victory to their several occupations, I take into my mind the great image of the ancient Romans leaving the plow for the field of battle, and retiring after their conquests to the plow again." — "New England, I suspect, has so much right to the glory of this plan, that I am afraid scarce a glimpse of it can ever reach the Old." (London Magazine, for 1745, 390; comp. 391; 353 *et seq.*)



their Speaker. His modest reply was, "I am heartily obliged to the honorable House for the respect they have shown me, and I hope I shall always be ready to risk my life and fortune for the good of my dear native country." After a few days he proceeded to his home in Maine, and the four weekly newspapers of the time are crowded with particulars of the tokens of respect and gratitude offered to him at Lynn, Salem, Beverly, Ipswich, Newbury, Hampton, Portsmouth, and other places on the way. The enthusiasm of the demonstration was a strange novelty in New England.

The importance of the transaction now related is not to be estimated by the narrowness and obscurity of the scene. The conquest saved, at the moment, Nova Scotia and its confines to the British Crown; a powerful French naval force destined for a descent in that quarter, and already on the Atlantic, received on its way, from a neutral ship, intelligence of the fall of Louisburg, and returned, abandoning the enterprise. But the exploit had wider political relations. As far as England was concerned, it was the great event of the war of the Austrian succession. England had no other success in that war to compare with it. As things turned out, it is not too much to say that this exploit of New England gave peace to Europe.<sup>1</sup> To the great discontent of her Amer-

<sup>1</sup> Horace Walpole, *Memoirs*, II. 58. — "The people of New England . . . alone enabled us to make the treaty of Aix-la-Chapelle, by furnishing us with the only equivalent for the towns that were taken from our allies in Flanders." (Intended Speech of the Bishop of St. Asaph, in the House of Lords in 1774, as quoted by Frothingham, *Rise of the Republic*, 105, note 4.) — "Une autre entreprise . . . montre bien de quoi est capable une nation commerçante à la fois et guerrière. Je veux parler du siège

de Louisbourg. Ce ne fut point une opération des ministres de Londres; ce fut le fruit de la hardiesse des marchands de la Nouvelle Angleterre." (Voltaire, *Précis du Siècle de Louis XV.*, Chap. XXVIII.) — "Cape Breton was besieged this summer in a creditable manner, and taken; the only one real stroke done upon France this year, or, indeed (except at sea), throughout the war; . . . compared with which all those fine 'victories in Flanders' are a bottle of moonshine; . . . a shining colonial feat, said to be very perfectly



ican subjects, England, adopting for the treaty of Aix-la-Chapelle the basis of the *status ante bellum*,  
 1748. bought back with the retrocession of Louisburg to France the conquests of the more fortunate arms of her rival on the other side of the water. Erroneously ascribing the conquest of Louisburg to Warren's ships, William Pitt said in debate in Parliament, "It  
 1734. Nov. 12. was our navy that procured the restoration of the barrier of Flanders in the last war, by making us masters of Cape Breton."<sup>1</sup> With some propriety it may be said that, from the stern training of her nursery years, Massachusetts now emerged to a participation in the affairs of the world.

done." (Carlyle, History of Frederick the Second of Prussia, Book XV., Chap. VIII.)

The intelligence of this conquest was none the less seasonable or welcome for having reached England in the month when the alarm excited by the invasion of the Pretender was at its height.

<sup>1</sup> The great man was so far right, as that, though the fleet did not fire a gun at the fortress, the capture by

it of the French supply ship was of vital importance to the result. "Neither of them [land and sea forces] would have reduced the place without the assistance of the other." Such was Shirley's language when he sent to the Duke (October 28) a copy of the "Journal of the Siege," attested by the principal colonial officers. This was printed for the members of the General Court, agreeably to a joint order of Jan. 1, 1746.

## CHAPTER X.

It was not till a year after the capture of Louisburg that Pepperell returned to Boston, as has been related in the last chapter.<sup>1</sup> Warren came with him. Both had received signal marks of the royal favor, Pepperell having been made a baronet of Great Britain, and Warren a vice-admiral. They had been visited by Governor Shirley soon after the conquest, his special business being to reconcile those soldiers whose term of enlistment had expired, to a longer stay at the place for its defence. From Louisburg, whence he did not come back till the beginning of winter, he wrote to the Duke of Newcastle that he found "a perfect harmony subsisting between the General and Commodore," but such destitution among the men, especially in respect to clothing, that "there was danger of a serious mutiny, had he not been on the spot." He had restored good humor by what he called a "Declaration," in which he assured them that satisfactory arrangements had been made in respect to their subsistence and pay, and earnestly exhorted them not to fall into disorders which would frustrate the heroic work they had been doing.<sup>2</sup>

<sup>1</sup> Letter of Pepperell to the Duke, June 24, 1746; comp. *Memoirs of the Last War*, 68 *et seq.*

<sup>2</sup> "Other calls likewise required the Governor's presence at Louisburg; a notion that the captors were entitled to the soil of the island," &c. (*Memoirs of the Last War*, 63.) They were not unnaturally dissatisfied that they had no reward except

their frugal pay, while the seamen were enriched with prize-money. And, strange to say, on an appeal to the House of Lords from a decree of the Court of Admiralty, the officers of the King's ships obtained a judgment excluding the colonial navy from a share in this allowance.

Neither of the principal actors in the great exploit at Cape Breton lost

The late surprising success had naturally stimulated the Governor's ambition for himself, and enlarged his views of what might be done for the public service. The vision

time in reminding the government of his deserts in respect to it. Pepperell wrote to the Duke, asking to be made Governor of the fortress and a colonel in the regular army, and that he might have Bradstreet, whom he calls "the first projector of the expedition," for his lieutenant-colonel. (Letters of June 19 and July 30, 1745.) Shirley wrote to him from Louisburg (September 27) that he hoped the King's favor to Pepperell and Warren, of which he had been advised, would be extended to himself, and that the tokens of it would not "degrade his services below those of Sir William Pepperell." In another communication (November 20), while still at the captured fort, he asked for a "grant of a few veins of coal lying on the back part of the island," — the quarry, I suppose, from which what goes by the name of Sydney coal is now brought to the New England market. The Duke informed him (August 10) that if, as was contemplated, two regiments were raised in America, Pepperell would have one; and "I am not without hopes," he continued, "that his Majesty may be graciously pleased to bestow the other upon you;" and he assured his fortunate *protégé* of "the particular satisfaction" which he derived from the advancement of "one whom I have so long known, and for whom I have so true a regard and friendship." March 9, 1746, William Shirley, Jr., then in London, applied to the Duke to give to his father the government of Nova Scotia, and the regiment of Phillips, Governor of that Province, — an old man, whose death was thought to be at hand. December 14, six days after his return to Boston, Shirley informed the Duke that he found it impossible to obtain men to relieve

the weary troops at Louisburg, except from Massachusetts, New Hampshire, and Connecticut. In Rhode Island twelve men were all that, with his best exertions, he had been able to procure. He expressed his gratitude for being made colonel of one of the two regiments on the British establishment (the other was given to Pepperell) which it was proposed to raise in America, but he feared that enlistments would be slow, since it was understood that their field officers and many of their company officers were to be appointed in England.

Pepperell seems to have been always on friendly terms with Shirley, and generally also with Warren, who, however, had given him some cause for complaint by his waywardness and assumptions during the progress of the siege. In a letter to the Duke (June 19) the second day after the capitulation, when it might be expected that he would be particularly good-humored, Pepperell praised Warren highly, and spoke of him as "greatly beloved by the people in New England." On the day preceding, Warren, on his part, represented to the Duke the propriety of making Pepperell a baronet, while he solicited for himself the government of New Jersey and the reversion of that of New York. "My wife being of New York," he said, "makes it convenient for me." She was daughter of Lieutenant-Governor De Lancey. Of Shirley he wrote to the Minister (October 3): "If all the governments were under the influence of their respective Governors, as New England is under that of Mr. Shirley, they could do great things." And of the people in that country he testified in the same quarter

of the two unfortunate attempts of old times against Quebec arose anew to his mind,<sup>1</sup> and he wrote to the Duke of Newcastle, setting forth for the King's consideration his own exertions and achievements, and at the same time urging arrangements for a new attempt upon Canada and a conquest of all New France. For this undertaking he proposed that Pennsylvania should be called upon for twenty-five hundred men, Virginia and Connecticut for twenty-one hundred each, Massachusetts for forty-five hundred, and New York for the same number, "not as being so considerable, but as deriving much the greatest advantage by the immediate increase of their fur trade;" though, he said, the latter Province was controlled by its Dutch inhabitants, who, fearful of disturbance to this trade, desired to maintain a neutrality with the French Indians, and to "prevent the Five Nations

(November 23): "Whatever sneers have by volatile and unthinking people been ludicrously cast upon the people of New England on account of their stiffness of opinion, their morals and behavior is far from being so dissolute and disorderly as is so common in others of his Majesty's subjects; and I must own their merit appears in a high light with me for thus cheerfully carrying into execution, almost to the utter ruin of their Province, an enterprise," &c.

This was not, however, Warren's uniform tone in respect to his allies from New England, nor was his conduct towards their commander unexceptionally courteous. He imagined that Pepperell did not treat him with due respect in his arrangements for taking possession of the fort (Parsons, *Life of Sir William Pepperell*, 101); and Shirley heard (Letter to the Duke, of December 14) that Warren's officers had disparaged the conduct of the siege on the part of the land forces, which, the Governor

said, was all wrong, when the former had been "let into so great a share of reputation and wealth [in their prize-money], at so easy a rate as to obtain both without firing a shot against the town or losing one man against it." Warren was an upright man, but infected with both the narrowness and the impetuosity which were characteristic of the English naval service of those days, at least in all but its highest ranks. That, as was reported in England, in some moment of vexation, while urging his extravagant claims for prize-money, he should have spoken contemptuously of the conduct of the New England troops, is not essentially improbable. But the statement of his having habitually used such language was contradicted, and was inconsistent with the sentiments known to have been expressed by him at other times. (Mass. Hist. Soc. Coll., I. 108-111; Warren's *Later Life*, in Parsons's *Pepperell*.)

<sup>1</sup> See above, Vol. IV. 53 *et seq.*, 278 *et seq.*

from going into the war." The proposal was favorably entertained at court.<sup>1</sup> The Duke sent instructions to the

<sup>1746.</sup>  
<sup>April.</sup> Governors of all the English Colonies north of Carolina to promote a levy of troops. The Colonies voted to raise eighty-two hundred men, of which number Massachusetts engaged to furnish thirty-five hundred, and Virginia one hundred. A fleet and a force of eight battalions of regular soldiers were to be sent from England;<sup>2</sup> the troops from New England, as by the earlier plans of similar campaigns, were to make their way to Quebec by the St. Lawrence, and those from the other Colonies by Lake Champlain and Montreal.<sup>3</sup> The autumn approached, and the expected fleet had not come. The

<sup>1</sup> Before May 31, 1746, Shirley had received his orders respecting the attempt against Canada (Letter to the Duke), and in the next two months he had been busy with arrangements for that enterprise. (Letter of July 28.) June 6, Warren wrote to the Duke from Louisburg, disapproving of the project. As early as May 10. Shirley had informed the Duke that both he and Pepperell had had unexpected success in recruiting for the regiments which they had respectively been authorized to raise.

<sup>2</sup> The Duke of Bedford saw perils in the measure, of which his colleagues were less apprehensive. He represented the imprudence of embodying from the Colonies such a force as was projected, "after the experience we have had of their conduct and principles, on account of the independence it might create in them, when they shall see within themselves so great an army, possessed of so great a country by right of conquest." (Chalmers, *Revolt*, II. 242.)

The future student of our history will do well to examine as to how far this policy of the home government was inspired by Shirley during his

four years' residence abroad after the summer of 1749. Considering their respective ambitions and positions, it seems reasonable to suppose that there were communications on the subject between him and Lord Halifax. The interest of the inquiry did not occur to me till I was out of reach of the means of pursuing it.

<sup>3</sup> Shirley had given to Brigadier-General Waldo the command of this expedition, Pepperell having declined it. "Captain Gorham's activity and usefulness in his Majesty's service I cannot too much commend to your Grace." (Letters of Shirley to the Duke, of October 13 and 16.) He had sent Gorham to England to explain the state of military affairs. He remonstrated against a plan which, it seems, had been entertained, for the transportation to America of Highlanders taken prisoners in the late rebellion. He said they would be too near Popish priests; while such was the feeling on the other side that "not a man in the Province capable of bearing arms could have been kept away from Boston, if I had given an alarm of the coming of a son of the Pretender." (*Ibid.*, Letter of November 21.)

season was thought to be too far advanced for the prosecution of the enterprise against Quebec,<sup>1</sup> and it was determined that such troops as had been collected should be employed in the less adventurous service of an attack upon the French fort at Crown Point.<sup>2</sup>

But before arrangements for this minor operation were matured, attention was drawn to a different quarter. Intelligence came from Nova Scotia of hostile movements there of the French and of their Indian allies; and what was much more serious, there was information of the approach of a French fleet far more formidable than had ever appeared in the western seas. The troops which had been despatched on the expedition to the north-west were recalled. Boston was immediately garrisoned with more than eight thousand men. Connecticut promised six thousand more, as soon as they should be needed. The forts were manned and provisioned all along the coast, and additional temporary works were erected. The alarm was not unfounded. A great expedition had

<sup>1</sup> Massachusetts solicited reimbursement of her expenses for this abortive expedition. Shirley, in a letter of Oct. 24, 1748, advised the Duke of Bedford (successor to the Earl of Chesterfield, since February 13 of that year, as Secretary of State) that the claim should not be allowed, as from the conception of the project it had been understood on both sides that it was to be at the charge of the Colonies. In the beginning of the year (January 25), he had informed the Minister that the General Court was intending to apply, on this account, for an allowance of £18,000 sterling, which he thought was a debt of their own. If, however, an allowance was made to Rhode Island, he thought that the right of Massachusetts to it was equally good. And if that should be admitted, other Colonies would be presenting their

claims, which could only be satisfied by large appropriations.

<sup>2</sup> *Memoirs of the Last War*, 78. — Shirley wrote to the Duke that the chief motive for attacking Crown Point, after the expedition to Canada was deferred, was "to engage the Five Nations of the Iroquois in immediate acts of hostility against the French, in order to secure them from being drawn over to their interest." The projected movement was delayed, he says, first by the alarm as to the French fleet, and then by the inaction of Governor Clinton, of New York, who had changed his mind. Things would go differently, wrote Sir William Johnson (January 26) to Lydius, Shirley's agent among the Indians, "were our people so active as our neighbors, the New Englanders, who daily set us good examples, had we the grace to follow it."

been gotten up by the French Court. A fleet of forty ships of war, besides transports, came, under the command of the Duke d'Anville, into the American waters, bringing a perfectly well-appointed army of three or four thousand veteran troops. The object was believed to be not only to protect Canada and recover Nova Scotia and Cape Breton,<sup>1</sup> but to ravage the whole Atlantic seaboard of New England.

The devastation which was threatened would have been enormous. The escape from it seemed to be due to extraordinary circumstances, as fortuitous or as providential as those which had attended the conquest of Louisburg. The formidable armament was crippled by casualties in bad weather. A reinforcement which was to have met it, failed to make the junction and went back to France. A fatal fever spread among the troops. Reports of the approach of an English fleet divided the counsels of the officers. D'Anville died suddenly, — some said of apoplexy, some by poison. D'Estournelle, his successor, infuriated by the opposition of a council of war, killed himself with his sword. On their way from Chebuctoo (now Halifax) to Annapolis, the ships encountered a furious storm. Many were wrecked. The rest bore to France the tidings of the disastrous failure. The experiment was

repeated as soon as, with all diligence, the needful preparations could be made, and the second trial had no better success. De la Jonquière, with a powerful fleet, having the same destination as that of D'Anville in which he had lately served, fell in with Admiral Anson, and, in an action which

<sup>1</sup> "Under all disadvantages, I believe I may venture to speak in the affirmative that Monsieur le Duc, with all his force, shan't have Louisburg this trip." (Knowles to the Duke, September 19.) Knowles had now been three or four months Gov-

ernor of Louisburg, Warren having been relieved from that post at his own request. (Letter of Shirley to the Duke, of June 18.) Sept. 29, 1746, Shirley wrote to the Duke of the alarm which had been already spread in his government.



followed, lost six of his armed vessels, his whole valuable convoy, a million and a half of francs, and three or four thousand men taken prisoners.<sup>1</sup>

Meanwhile, mishaps on a small scale were experienced by the English. While D'Anville's arrival was expected, a party of French and Indians, collected at Chignectoo (St. John's), threatened the post of Annapolis. A force sent by Shirley proved insufficient for the relief of the place, and, in an action fought in a violent snow-storm, the Massachusetts men were beaten, with the loss of a hundred and sixty men.<sup>2</sup> In the following summer Fort Massachusetts, in what is now Williamstown, the frontier post of the Province on the north-west, was taken, with its garrison of twenty-two men, by a party of French and Indians.<sup>3</sup>

Boston became the scene of a popular tumult, of which the like had not been witnessed there since the time of the deposition of Governor Andros. It may well have given to the foreign rulers suggestions of caution, as showing how imperfectly their authority was to be relied upon in a time of strong popular excitement; and it was the more a subject for uneasiness in all quarters, as it did not appear to be, as the earlier movement had been, under the control of conspicuous and responsible citizens. While the forcible enrolment of soldiers for her armies has not, in the later ages, been the practice of England, the right of impressing seamen for the navy has till recently been claimed and acted upon by the government. The peculiar hardship imposed on a single class of persons, of being subject, without any principle of selection

<sup>1</sup> *Memoirs of the Late War*, 79–83. — These misadventures of the French were considered to be so decisive against any further attempts of theirs in America on a large scale for the present, that (October 24) Knowles and Shirley were directed to send home the regular troops

then at Louisburg, “his Majesty finding it necessary to employ the greatest part of his forces to assist his allies and defend the liberties of Europe.”

<sup>2</sup> *Ibid.*, 86–89.

<sup>3</sup> Norton's “*Redeemed Captive*,” in *Mass. Hist. Coll.*, XXXV. 369.



or any equalizing rule, to sudden arrest and long detention in hard service, and at a distance from their homes, could never fail to be regarded by the sufferers and their friends as oppressive in the highest degree. There was no reason in law why a seafaring man should be any more secure against a press-gang on a wharf in Boston than among the London docks. But in Boston the terrible abuse had not been familiarized by custom. Now seamen were wanted for the defence of Louisburg; and when the number obtained by voluntary enlistment fell short, the Governor proceeded legally to impress them. The Legislature entertained complaints of the hardship thus imposed, but no means of relief were at present devised.

The question was presently to be tried in a form much more offensive to the citizens. They might bear from their own Governor what would be intolerable when attempted by a rough sailor of the British service. When Warren and Pepperell came together to Boston, they left Louisburg in charge of Commodore Charles Knowles, the senior naval officer on the station.<sup>1</sup> Knowles was a testy person,<sup>2</sup> as sufficiently appears from his correspondence with Pepperell after this parting. By and by he, too, arrived at Boston with five or six ships, bringing Pepperell, who had been again passing some weeks at Louisburg on business of his regiment, which still remained there. At Boston a number of Knowles's men deserted, and he undertook to supply their place by an impressment.

<sup>1</sup> On the death of the superannuated officer, Phillips, Governor of Nova Scotia, Warren was appointed to succeed him, Sept. 11, 1745, but did not receive his commission till the following May 9. In the same month (May 23) he resigned the place to Knowles. (Letter of Warren to the Duke, June 2, 1746.)

<sup>2</sup> He had also an old prejudice against the Colonists. He had served

in the Carthagen expedition, and in the exasperation of all parties against all others which grew out of their common distress there, he had been moved to speak of the troops from New England as "the banditti whom those colonies afford." (Memorandum of George Chalmers from Lord Elibank's Journal, in the Sparks collection of manuscripts, American Papers, I. 26.)

One morning his boats came to the wharves and carried away a number of mariners from the vessels moored there, and of journeymen and apprentices of the ship-building crafts. The General Court came together the same day. Boston was in flame. The bereft families clamored for redress and revenge. A mob assembled with all sorts of arms, and surrounded with outcries the Governor's house, where some of the officers of the fleet were assembled. At nightfall a crowd of people gathered around the Town House, and threw stones and other missiles through the windows of the Council Chamber. The Governor attempted to address them, but they refused to be satisfied with anything short of the detention of such officers as were in town, to be hostages for the men who had been kidnapped.

1747.  
Nov. 17.

Riot in  
Boston.

The Governor withdrew to his house, protected by a number of militia officers and other considerable persons. A merchant vessel's boat, mistaken for one belonging to the fleet, was dragged through the streets to be set on fire before his house; but in consideration of the danger of a spread of the flames in so thickly settled a neighborhood, the leaders of the mob were persuaded to take it to the Common, where they made a bonfire with it. The next day the Governor ordered a parade of militia, and the mounting of a guard at night; but the drummers were silenced, and not men enough turned out to form a line.<sup>1</sup> He now thought himself in danger, and went down to the Castle. He wrote to the Commodore, urging the necessity of retracing his unadvised step; but Knowles refused to consider the question till his officers on shore should be released, and threatened to bombard the town.

The General Court, in a sympathy with the mutinous

<sup>1</sup> "Not a man appeared beside this paper he said that Boston contained about twenty thousand the officers." So reported Shirley to the Duke, in a full account of the affair, dated December 1. In inhabitants."

people which it was natural for them to feel but unbecoming to avow, had not as yet departed from the routine of its common business. But on the third day, when the Governor's absence from his place seemed like a vacancy in one department of the government, and some of the more ardent among the movers declared that his withdrawal was an abdication, the Court thought that their inactivity could be justified no longer. Declining even to admit so much delay as would have been occasioned by reference to a committee, the House adopted a series of resolves, drawn up by its Speaker, Thomas Hutchinson, declaring that the "tumultuous, riotous assembling of armed seamen, servants, negroes, and others in the town of Boston, tended to the destruction of all government and order;" that it was the duty of all civil and military officers to endeavor to suppress such proceedings; and that the House would "stand by and support" the executive branch of the government in the execution of this duty, and would at the same time endeavor to obtain the redress of such grievances as had occasioned the outbreak. An order of the Council for the release of the officers who were in durance was carried into effect without resistance.

The inhabitants of Boston, in a town meeting held the same day, in like manner pledged themselves to the cause of order, though in stronger language than had been used by the Court they denounced the outrage offered to the citizens. The Governor had prepared orders for troops from the neighboring towns to come in, but that critical step was rendered unnecessary by a large muster the next day of the militia of Boston, who reconducted him to his home with ceremonious respect. By the advice of the Legislature, a proclamation of the Governor, offering a reward for the apprehension of the ringleaders in the late disturbance, and assuring the citizens "that all due care should be taken for maintaining

their just rights and liberties, and for redressing all and every grievance," was published at the head of the regiment of militia of the town of Boston, then under arms in King Street.<sup>1</sup> The Commodore, uneasy, it is probable, by this time, as to the view which would be taken of his proceeding by his superiors at home, discharged most of the men whom he had impressed, and went to sea. Hutchinson had had his first experience of Boston mobs. He was not always to find them so harmless.

The parties to the fierce European conflict, having emptied their purses, were only too happy to make peace on the basis of the *state before the war*; that is, of a formal acknowledgment that they had been distressing one another to the advantage of no one of them. It has been told that in the treaty of Aix-la-Chapelle, peace was bought for Great Britain at the price of the restoration of Louisburg to France. In partial explanation of what seems an extraordinary step,<sup>2</sup> it must be said that conflicting representations were made to the British Ministry respecting the value of the conquest. Shirley gave them his judgment that Louisburg was "the key of both the French and British northern colonies." If the French had been able to hold it, it would, he thought, have "put 'em, some time or other, upon disputing the mastery of the whole of the continent with the British Crown." Warren wrote that he agreed with Pepperell in wishing to have Louisburg "established as a civil government and a free port." Knowles rated its value altogether differently. His opinion was that the fortress was not worth the cost of keeping it up.

<sup>1</sup> Letter of Shirley, of Dec. 1, 1747. He did justice to the town and to the General Court by sending to the Board of Trade the votes of those bodies. (Journal of the Board for Aug. 16, 1748.)

<sup>2</sup> One feature of the transaction is

especially extraordinary. It is the humiliation of Great Britain in giving two noblemen of high rank as hostages for the fulfilment of her stipulation to surrender the fortress. (Mahon, History of England, III. 347.)

“The fortifications,” he said, were “badly designed and worse executed,” and the climate was frightful.<sup>1</sup> It was at the mercy of a hostile fleet, and required naval  
 1747. defence. “The weather destroys as fast as the engineer can build. . . . Nature seems never to have designed this a place of residence for man.” He hoped “soon to see an end to the vast expense of this bewitching idol.”<sup>2</sup>

<sup>1</sup> The experience of the climate had all along been discouraging. The first winter after the capture (1745–1746) had proved severe, and the troops, with their insufficient supplies, suffered from epidemic sickness. “Of the number of about two thousand four hundred and seventy, alive at the time of Mr. Shirley’s departure, we have buried near five hundred men, and have near eleven hundred sick.” Whatever share the climate had had in the mortality, it was partly due to “want of fuel, good shelter, clothing, and necessaries for the sick.” (Letter of Warren and Pepperell to the Duke, Jan. 18, 1746.) May 21, Pepperell informed the Duke that the fever had proved fatal to about twelve hundred persons. (Ibid.) May 10, Shirley reported that “between the last day of November and the beginning of April, upwards of eight hundred and ninety men had died.” Nor had matters improved as time went on. Jan. 20, 1747, Knowles wrote to the Duke: “The miseries and sufferings of the troops are so great as to be beyond expression or comprehension. Many have been froze to death; and the sentries, who relieve every half-hour, frequently lose their toes and fingers. Some have lost their limbs by mortification in a few hours. . . . Nothing is more common than for one guard to dig the other out of the guard-room before they can relieve them.”

<sup>2</sup> In this letter Knowles declares the prevailing delusions respecting the value of the French posts at the north to be occasioned by the credit given to Charlevoix’s history, which he pronounces to be “entirely false.” “With the poet we may justly say,—

“‘Here elements have lost their uses;  
 Air ripens not, nor earth produces.’”

Were we in quiet possession of the town of Quebec to-morrow, it would be impossible to keep it, had we no other enemy but the weather to encounter. But I heartily hope that expedition is over. I persuade myself, now Admiral Warren has got from amongst those enterprising geniuses at New England, he will think otherwise. . . . Next to the good he did his country by taking this place [Louisburg], I hope I shall add some by destroying it.” Notwithstanding Knowles’s opinion of the worthlessness of a conquest of Quebec, he did not take the risk of being negligent in preparations for the enterprise. He wrote to the Minister (November 8) that it was his intention in the spring to send a flag of truce to that capital, ostensibly with a message about prisoners, “in which I purpose,” he said, “sending some experienced persons, disguised as common sailors, to make the best remarks of the navigation of that river, as well as the strength of the place.”

The surrender, nevertheless, was distasteful in the highest degree to the Colonies to which the conquest was due.<sup>1</sup> The conquest had been made at their own motion, at their own risk, and at a cost, for the moment at least, most embarrassing to them. That they had made it for their needful security, and that they had contributed by it to the glory and greatness of the empire, seemed to them alike reasons why it should not be relinquished. How far a jealousy of their growing power, manifested by so conspicuous a demonstration, may have operated to incline the English Ministry to this mortifying measure, cannot be positively affirmed. But an opinion was entertained in some quarters, that in the British counsels the vicinity of French settlements and forces was not overlooked as a means to keep the Colonies in their allegiance to Great Britain, through a sense of need of her aid for their security. On the other hand, it is certain that for the prudence of retaining Louisburg as a means of overawing and controlling the Colonies, the ministers had the eminently good authority of Governor Shirley. He wrote to the Duke, that if the King should be pleased<sup>1745.</sup> to strengthen Louisburg with a garrison and a fleet, "it would, by its vicinity to the British Colonies, and being the key of 'em, give the crown of Great Britain a most absolute hold and command of 'em, if ever there should come a time when they should grow restiff and disposed to shake off their dependency upon their mother country, the possibility of which," he added, "seems to me some centuries further off than it does to some gentlemen at home."

In other ways, at all events, it became apparent that the increased interest in the Colonies of New England, created by their recent exploit, was not wholly, on the part of the British government, of a grateful and friendly kind. A

<sup>1</sup> The transaction was not complete till the summer of 1749. July 14 of that year, Colonel Hopson reported that on the 12th of the preceding month he "delivered up the garrison." (British Colonial Papers.)

1739. scheme of taxing the Colonies, conceived a few years earlier, again obtained consideration. Sir William Keith, Governor of Pennsylvania, had proposed an extension, by Act of Parliament, of the system of stamp duties to the American Plantations. Sir Robert Walpole is said to have replied that he would leave that undertaking to "some successor with more courage than he had, and less a friend to commerce." The plan was revived under the feebler administration which now held the reins; but, on consideration of the difficulties involved, there was not for the present found courage to pursue it, though it had the unprecedented support of the Governor of Massachusetts. Shirley wrote to the Duke of Bedford,

1749. recommending earnestly the erection of a line of forts along the frontier, which he said would be a proper charge upon the Colonies; and he advised that a tax should accordingly "be laid by Act of Parliament upon the Colonies, without which," he added, "it will not be done." In the year of the pacification, the project, so often heretofore abortive, for annulling colonial privileges, was renewed by a bill brought into Parliament for the repeal of the charters. The usual opposition was made by the colonial agents, and with an easier success than formerly; the spirit which had lately been manifested in New England was such as it may have been thought imprudent to provoke by so offensive an act of arbitrary power. Nothing more serious followed than a new and severe application of the oppressive colonial system. An

1750. Act of Parliament forbade, under a penalty of two hundred pounds, the erection or continuance, in the American Colonies, of any slitting or rolling mill for iron, of any plating-forge with a tilt-hammer, and of any furnace for making steel.<sup>1</sup>

<sup>1</sup> There were at the time four of Middleborough, one in Hanover, and the prohibited manufactories in Massachusetts, — two in the town of one in Milton.



An ecclesiastical movement in England, — caused perhaps by the recent brilliant military demonstration of New England, which had brought all its affairs under a suspicious review, — about the same time excited alarm. After the defeat of the second insurrection in behalf of the Stuarts, it was said that some of the partisans of that house, non-juring clergymen of the Church of England, had withdrawn to America; and ostensibly to counteract the anti-loyal influence which they might exert, a scheme was projected, with the especial favor of Sherlock, Bishop of London, and the Duke of <sup>1749.</sup> Bedford, Secretary of State, for setting up an episcopal establishment in the Colonies. The English Society for Propagating the Gospel, which had the measure immediately in charge, sought to provide against the hostility which it might be expected to encounter in the Puritan Colonies, by assurances that “no bishops were intended to be settled in places where the government was in the hands of dissenters, as in New England, etc., but authority to be given only to ordain clergy for such Church of England congregations as are amongst them, and to inspect into the manners and behavior of such clergy, and to confirm the members thereof.” As the plan was more considered in England, such relations of it came to light as seemed to require careful deliberation before the final step, and, other matters of more urgent interest intervening, it was for the present laid aside.<sup>1</sup>

Perhaps it was an expression of the popular displeasure against Shirley for his conduct in the affair of the impressment, and perhaps it was only a seizing of the opportunity of a time of quiet to keep alive in the Governor’s memory the fact that he was dependent upon them for his living, and that no grants in the past implied any promise for the

<sup>1</sup> “Order postponing the consideration of the Bishop of London’s representation (Sherlock), relating to the establishing bishops in America.” (Register of the Privy Council, for April 11, 1750)



future, that the General Court voted for his yearly support a sum less than usual by one third. Their explanation was that the Province was too poor to do more.<sup>1</sup> He disputed the fact, and argued that in twenty years Massachusetts had doubled its population. At the time of the treaty of Aix-la-Chapelle, the population had in fact grown to the number of about two hundred thousand souls.

It was natural that after growing into such importance, Shirley should desire to show himself in England. There were also public objects to be served there. There was trustworthy intelligence that the French were applying themselves to strengthen their inland line around the English settlements by new intrigues with the Indians on the eastern frontier, and by establishing posts near Crown Point, and westward along the line of lakes. The recent treaty had not defined that dividing line between New England and New France which had so long been a standing subject of dispute, and the Governor desired to exert himself for a definitive settlement of it. He accordingly obtained leave of absence for a year,<sup>2</sup> and sailed from Boston for England.

Before his departure he was able to reckon on the

<sup>1</sup> On this occasion a curious question came up, respecting freedom of speech in debate. James Allan, a Representative for Boston, arguing against the Governor's application (Jan. 23, 1749), characterized former grants of the General Court as "villanous resolves," and charged it upon him, as owing to his own fault in depreciating the currency, that his salary proved insufficient. The House called Allan to account. He apologized so far as to say that he had meant no offence by his words, and that he regretted them. The House was not satisfied; and he, refusing to adopt a form of apology

which they insisted on, was expelled. The town re-elected him, and the House refused to admit him to his seat. The next House, however, did not challenge his competency to serve in it, and he continued a Representative during his life, which lasted six years longer.

<sup>2</sup> June 15, Shirley wrote to the Duke of Bedford that he had received his leave to be absent from his government for a year from April. He had learned from his son that an impression had been made on the Duke to his disadvantage. But, as far as is now known, this was a false alarm.

completion of an arrangement which retrieved the affairs of Massachusetts from a miserable confusion and entanglement of nearly sixty years' standing. It may be convenient for the reader to be reminded in a few words of the circumstances in which the affliction of a currency of irredeemable paper money had weighed upon the Colony a full half of the time from its settlement. The evil began with the large issue of Provincial bills of credit applied to meet the exigencies of the first disastrous expedition against Quebec, under Sir William Phips. The seductive idea which carried through that ill-omened measure, was that it was but a simple method of anticipating the collection of taxes which could not be called in so speedily as the urgent occasion demanded.<sup>1</sup> When the first panic created by a measure so novel had subsided, the bills retained a fair reputation for fourteen years, being during that time punctually redeemed as they fell due. But another expensive war followed, and sorely tempted the Province again to run in debt.<sup>2</sup> Bills were issued payable at the end of two years, then at the end of three years, then at more distant times. As promises to pay were multiplied, and pay-days were deferred, of course the public securities fell in value, and the hard dollars for which they were a cheap substitute disappeared from the country. The expedients of the *public bank* and the *private bank*, devised to create some trustworthy representative of wealth and medium of commerce, enlisted, until their futility was exposed by the trial, the passions of rich and poor men, who dreamed of devices for securing themselves, when they saw their property melting away or their hard labor unremunerated.<sup>3</sup> The

Financial  
confusion.

1690.

1703.

1714.

<sup>1</sup> See above, Vol. IV. 58.

<sup>2</sup> Ibid., p. 294.

<sup>3</sup> Ibid., p. 386. — In 1729, in "A Modest Inquiry into the Nature and Necessity of a Paper Currency"

(Sparks, Works of Franklin, II. 253 *et seq.*), Benjamin Franklin, at Philadelphia, tried his "'prentice han'" upon the subject. He was then not quite twenty-three years old. His

English Ministry directed its Governors to obstruct this smooth road to ruin; but to little purpose, for the only effectual method would have been to pay off in money the vast debt which the Province had incurred, and this was what, with the best intentions, it was thought would have been simply impossible to do, because neither the Province nor its citizens had property to be turned into money sufficient for that purpose, nor could the Province borrow it, with its credit already so crippled by the condition of the debt which money was wanted to repay.

The British Ministry peremptorily instructed Governor Belcher to allow no issue of Provincial bills payable later than the year which proved to be the last of his  
1741. administration.<sup>1</sup> The effect of this instruction,

if carried out, would be that, in the year specified, the Province would have to collect a tax of thirty or forty thousand pounds sterling. Thomas Hutchinson,<sup>2</sup> after-

wards Governor, and already rising into high con-  
1739. sideration (he was now twenty-eight years of age), proposed in the House, of which he was a member for Boston, the making in England of a loan in silver, to be repaid in silver in equal instalments, with interest, through a series of years. The plan was too enlightened or too hazardous to find favor. The Opposition insisted that the inconveniences of paper-money were less than

argument, influenced by the existing state of things in Pennsylvania, embraced the crudities successively revived and exposed in all times when numbers are in debt and have not wherewith to pay. But he grew older, and outlived illusions of his green years. (Ibid., X. 9.)

<sup>1</sup> See above, Vol. IV. 547; comp. p. 445.

<sup>2</sup> Thomas Hutchinson, who makes so large a figure in the later history of the country, was born in Boston in 1711, and graduated at Harvard College in 1727. He was descended

in the fifth degree from Ann Hutchinson, of Antinomian memory. His family was of unsurpassed consideration in the Province, his father (Thomas) and his grandfather (Elisha) having been Counsellors through a long series of years, and others of his race having filled high places of public trust. As early as 1738, he was chosen a selectman of Boston, and in the same year was sent to England on business of the town; and on his return, after a visit of a few months, was elected to the House of Representatives.

would be those of a struggle to redeem it, and that if, under the instructions to the Governor, the General Court was precluded from issuing any more of it, the prohibition did not extend to private parties. They revived, accordingly, the scheme of the Land Bank, defeated twenty-five years before.<sup>1</sup> Seven or eight hundred persons, some of them being men of property, but the generality having little to lose, associated themselves for the enterprise, and obtained for it the sanction of a House <sup>1740.</sup> of Representatives, the election of which they were thought to have effected by popular agitation.<sup>2</sup>

The company proposed to operate by lending bills to the aggregate amount of a hundred and fifty thousand pounds, the borrower to secure his debt by a mortgage of land, or, for sums not exceeding a hundred pounds, by a bond with two sureties, and to repay annually five per cent of the principal sum, with three per cent interest. It was imagined that notes so secured would circulate easily as a medium of exchange. But that expectation was not fulfilled. The bills were distrusted, and were only taken from the bankers to the amount of fifty or sixty thousand pounds. Parliament interposed and declared by an Act, that a law of the preceding reign, placing the business of private banking under certain restrictions, was in force in the American Colonies.<sup>3</sup> The Act went further, and made the directors of the company liable to any holder of the bills for their nominal amount with interest added,<sup>4</sup> — a liability which was the more burdensome to the directors as a large portion of the bills had been issued at a discount.

This scheme failed, as it deserved; but such was the alarm for the apparent ruin which was impending, that

<sup>1</sup> See above, Vol. IV. 334.

<sup>2</sup> Ibid., p. 551.

<sup>3</sup> Act of the sixth year of George the First, Chap. 18.

<sup>4</sup> Act of the fourteenth year of George the Second, Chap. 37.

the Ministry thought a relaxation of the rigor of its instructions to be unavoidable; and Shirley in the second year of his government was permitted to consent  
1743. to a law for the emission of bills of credit of the *new tenor*, as they were called, receivable at the rate of six shillings and eightpence for an ounce of silver. But this measure, like others with the same aim which had preceded it, proved to be of altogether insufficient efficacy for furnishing a currency of immutable value. The Act itself provided that "if the bills ordered to be emitted this present year shall be depreciated, or commonly pass at any lower rate than they are set at by this Act, . . . that then, and in such case, the justices of the respective courts shall give judgment for so much in silver as the true debt appears to be, and, in want thereof, for so much in said Province bills, with the addition of so much more as will make amends for the depreciating said bills from their present stated value." The General Court was, once in six months, to "determine the rates that said bills then commonly pass at, in proportion to silver and bills of exchange" payable in London; and, in want thereof, "the rate of value was to be determined by a commission composed of the senior Counsellors from the several counties," and, in case of their failure, by a commission of five persons appointed annually by the Superior Court of Judicature. Such arrangements must needs have proved powerless towards giving any degree of stability to the currency or of confidence to trade. It was fortunate for their reputation that they were subjected to the trial of only a few years. While the experiment was proving their absolute inefficacy, the distress which they were designed to relieve was becoming well-nigh intolerable. Trade turned to gambling, when buyer and seller were equally unable to calculate intelligently what would be the worth to-morrow of the printed rags which passed between them to-day. Hold-

ers of bonds for money lent; public institutions dependent on the income from vested funds; widows, children, and aged and retired persons living on the same kind of provision; persons maintained on salaries, as clergymen,<sup>1</sup> and officers in the civil and military service, — were startled to find themselves impoverished. Evils yet more serious, if not so conspicuous, remained, — the knavery which was encouraged by such temptations, and the jealousy and ill-temper fostered between neighbors when dealings, even the most honestly intended on one side, were liable to be interpreted as trickery, as often as, by the mere lapse of a little time, they resulted in loss on the other.

The outlay of Massachusetts on the expedition to Louisburg was to the amount of two hundred and sixty-one thousand and seven hundred pounds in the newly devised currency, which was equal to one hundred and eighty-three thousand six hundred and fifty pounds sterling, as the exchange then stood with London.<sup>2</sup> It would have been the less decent for the British government to refuse to reimburse the Province for this heavy expense, when for purely European objects the government had re-ceded to France the conquest of the Province's arms. Shirley's son-in-law, William Bollan, an Englishman by birth, an able and active lawyer, made Advocate-General after Shirley's promotion, was employed in urging the Province's suit for repayment of the cost of the campaign. After no more than the customary delay and discouragements incident to such a business, Bollan obtained an allowance of the whole amount.<sup>3</sup> It came over

<sup>1</sup> In a speech, Feb. 3, 1747, Shirley told the Court that there was danger of the clergy being driven to secular employments for a livelihood.

<sup>2</sup> The Province was a bankrupt, whose outstanding obligations, dated

before 1743, were worth less than eightpence in the pound.

<sup>3</sup> Journal of the Board of Trade, p. 195; Ibid., pp. 66, 194 - 200; Privy Council Register, for Jan. 15 and May 27, 1747; Journal of the Board of Trade, for Feb. 17, 24, 26, March

1749.  
Sept. in solid coin; and the people of Boston, little used to the sight of money, saw seventeen trucks dragged up King Street to the treasury offices, laden with two hundred and seventeen chests full of Spanish dollars, and ten trucks bearing a hundred casks of coined copper.<sup>1</sup>

3, 4, 20, 24, 26, 31, and April 2, 1747; Letter of Bollan to Secretary Willard, of April 23, 1752, in *Mass. Hist. Soc. Coll.*, I. 53 *et seq.*

<sup>1</sup> The subject is of such importance, and it is so much better understood from the account of an intelligent and thoroughly informed contemporary statesman than from any description of the present time, that I feel bound to find space for large portions of Governor Shirley's report to the Board of Trade, dated Dec. 23, 1743, and read to the Board, as appears from their Journals, Feb. 23, 1744.

"At my coming to the administration, I found that the bills of public credit had, within these thirty years past, gradually sunk in their value from forty to four hundred and forty per cent below sterling money; and that, in the year 1712, upon the first appearance of danger that the bills would depreciate, in order to support the value of 'em, a law was passed in this Province [*Prov. Laws*, I. 700] that no debtor who should tender the payment of his debt in Province bills (except in the case of specialties and express contracts in writing), should be liable to have an execution levied or served either upon his estate or person; so that the creditor was obliged, in consequence of this law, to accept bills of credit according to their nominal value, or (to use the common phrase) penny for penny, in satisfaction of his debt, though they were never so much sunk in their real value between the time of con-

tracting the debt and the payment of it, whereby considerable losses had almost perpetually happened, within the course of the above-mentioned time, to creditors of all kinds who had had dealings with the people of New England, and had not been cautious enough to ascertain the value of their debts, by special contracts for the payment of 'em, either in sterling or proclamation money, — particularly to the British merchants trading thither, who had, through the depreciation of the bills, continually suffered large discounts upon their debts, and to widows and orphans residing in the Province.

"And this law proved in its operation very injurious to creditors, not only by imposing upon 'em bills which had depreciated by the course of trade between the time of contracting the debt and the payment, unforeseen by the government at the time of passing the law, but by compelling 'em to take bills which were emitted in subsequent years, and were at the very time of their emission of a depreciated value, in satisfaction of debts which had been contracted before the emission of those bills, and when bills were of an higher value. Thus, in the year 1732, when this law was revived and passed by Governor Belcher [*Ibid.*, II. 589], the exchange between bills of credit and sterling money was two hundred and fifty per cent in favor of sterling money. In the next year there was a new emission of bills of the same tenor and nominal value with those emitted in 1732, but of a



A pound sterling would now buy eleven pounds of the old-tenor currency of Massachusetts, and about thirty shillings of the new-tenor. Before the arrival of the money, its use had been wisely provided for. Nothing

less real value by twenty per cent than the bills of 1732 were at the time of their emission. The year following, there was another emission of bills of like tenor and nominal value, which were of a less real value by a hundred and ten per cent than the bills emitted in 1732 were at the time of their emission; and the next year another emission of bills was made by the government, which were of like tenor with the bills of the three former years, but of a less real value by a hundred and sixty per cent than the bills of 1732 were at the time of their emission; and, by force of the law passed in 1732, the creditor upon simple contract (as all creditors in the course of trade generally are) was obliged to accept the bills of 1734 in satisfaction of debts contracted in 1732, when bills were a hundred and sixty per cent more valuable than the bills of 1734 were when the government emitted them; so that the passing of the Acts in 1733, 1734, and 1735 for making the several emissions of depreciated bills in each of those years, — whilst there was a law in force which obliged the creditor to accept the bills of each of those years in full satisfaction of debts contracted in a former year, when bills were of a greater real value, without any allowance for the difference of the value of the bills at the time of the debt's being contracted and its being paid, — was the same thing as if the government had passed a law in each of those years that creditors in trade should be obliged to accept twenty, a hundred and ten, and a hundred and sixty per cent less than the real value of their debts.

“ This bad effect of the Province law was also productive of other mischievous consequences, among which this was a remarkable one, — that, as the debtor was, through means of this law, a gainer by the depreciating of the bills, and the longer his debt was outstanding the more it was diminished in value, he was tempted to use every artifice to keep his creditor out of his just right; and what greatly encouraged him of late years was that, by the excessive depreciating of the bills of credit in which the fees of the Provincial Courts of Judicature are payable, the law was become so cheap that the ordinary costs of suit upon the recovery of a plain debt were grown inconsiderable, and very often less than the interest of the debt (which the debtor gained by the delay attending the lawsuit) amounted to; and the people were thereby so habituated to suffer themselves to be sued for an indisputable debt, and grown so insensible of the discredit of it, that it was not unfrequent even for persons of some circumstances and character to suffer judgments to be given against 'em by default in open Court for such debts, and to appeal from one Court to another, merely for delay, — whereby lawsuits were scandalously multiplied, and a litigious trickish spirit promoted among the lower sort of people.

“ For curing these mischievous effects, in the first session of the General Court after my coming to the administration, I prevailed upon the Assembly to pass an Act for securing to creditors the full value of their outstanding debts for the future,



is so honorable in the public life of Thomas Hutchinson as his resistance to all the schemes which had been devised for substituting something else than money for the payment of debts. He had successfully resisted the pri-

by making an allowance for the depreciating of the bills between the time of contracting the debt and the time of payment [Prov. Laws, II. 1033], and have taken care to have it punctually carried into execution by the Courts of Judicature; by which means, though the depreciating of the bills is not cured yet, the mischievous effects of it, with regard to creditors in trade, and the British merchants in particular, are remedied, — every man having it now in his power to demand and have of his debtor the full value of all debts contracted since the last day of October, 1742. I have also taken care to have the fees of the Courts of Judicature raised to double what they were when I came to the government; by which means the number of lawsuits has been reduced since that time one half, and those for plain debts two thirds. And the inconveniency of the depreciating of the bills being now turned upon the debtor, and the costs of suit doubled, their temptation for delaying the payment of their just debts is taken away.

“As to preventing entirely the depreciating of the bills, I apprehend that can't be done without altering the present balance of trade between this Province and Great Britain, which is the primary cause of it; and, so far as it depends upon that, it is out of the power of this government to prevent it. But, as the depreciating of the bills has from time to time been greatly increased by the excessive quantities of 'em which have been current at one and the same time in the Province, the depreciating of 'em may be imputed

to this government, so far as that has been occasioned either by emissions of bills to be drawn in at very distant periods, — which was frequently practised by this Province till the year 1734, — or by emissions upon loans not made for defraying the necessary charges of government, — which is the only proper business of bills of credit, — but for supplying a medium of trade, which sort of emissions were made in an immoderate degree between 1711 and 1728 in this Province, and have been the bane of its paper currency; or by the Assembly's postponing the drawing of the bills of this government back into the Treasury at their stated periods, by neglecting to apportion and assess the taxes granted for that purpose at the time set by the Emission Acts, — which sort of postponing continued till my coming to the administration, and occasioned an arrear of one sum of £25,525, and another of £80,000, to be outstanding, without a fund for drawing 'em in, when Mr. Belcher left the chair; or, lastly, after the taxes are apportioned, by the Governor's neglecting to cause the Treasurer to issue out executions, according to the law of the Province, against the constables or other collectors of the taxes in the several towns, to compel 'em to bring the taxes in, — which sort of postponing has been practised ever since the first emission of bills after the new charter in 1702, insomuch that a very great arrear of bills, outstanding for want of having executions issued out to bring 'em in, has been successively handed down from one Governor to another, to the time of my entering upon the government.

vate-bank project. He earnestly opposed the scheme for a public bank, till he found that it must be adopted as the less of two evils. When it became known that the expenses of the Province in the expedition to Cape Bre-

Thus, when Mr. Belcher came to the chair, there was an arrear of £157,706, old tenor, outstanding by this means; and when he left the chair there was an arrear of £322,407, the same tenor, occasioned by the like omission; besides that of the two before-mentioned sums, amounting to £105,525, occasioned by the postponing of the apportionment of the taxes. . . . .

“ When I have observed hereupon to your Lordships that the issuing out of general executions was, before my coming to the administration, unprecedented; that the arrears to be drawn in upon those executions are very heavy; that I, besides, found the other arrear of £105,525, postponed during Mr. Belcher’s administration, to be provided for by a tax; that, besides, there was an arrear of government debts (for discharging which there was no money left in the Treasury), to the amount of about £36,000; that I found also a deficiency of £32,000 in the old funds; that there was, besides, an extraordinary sum of £50,000 to be provided, for fortifications, military stores, and the extraordinary charge of the Province’s ship of war, amounting to £12,000 per annum, — the providing for all which, besides the service of each current year, in such manner as to keep within the limits of his Majesty’s instructions as to my own emissions of bills, has required a larger tax than the people had been used to of late years, — your Lordships will easily conceive that, between the payment of the £322,407 now drawing in by executions, and an increase of taxes, the people must feel themselves pinched; and that it must require a prudent caution in my proceedings

to keep ’em from a general persuasion that I am unreasonably harassing ’em with executions, and to cultivate the same temper in the Assembly, which has generally induced ’em hitherto to comply with those measures which I have recommended to ’em for his Majesty’s service. . . . .

“ Another cause of the increase of the paper money in this Province, and the continual depreciating of it, is the currency which the bills of credit of the other three governments in New England obtain here, of which there is computed to be about £350,000 in bills of the Colony of Rhode Island, and £50,000 of the Connecticut bills, with a few of the New Hampshire bills. The two first-mentioned of these governments are under no restraint as to the quantity of their emissions, whilst New Hampshire and this Province are restrained by his Majesty’s instruction to his Governors; the consequence of which is that though the people of two of these governments are limited to the emission of a certain quantity of bills, yet the whole body of the people of New England, considered collectively, are under no limitation as to the quantity of bills current among ’em. For though there should not be one bill emitted in the Massachusetts Bay or New Hampshire governments, yet, whilst the Rhode Island and Connecticut governments may emit what quantities of bills they please, and those bills have an equal currency in all the four governments, there may and soon would be £600,000 of the Connecticut and Rhode Island bills current here. To prevent the increase of the currency

ton would be repaid, he saw a prospect of extrication from the wretched insolvency of more than a half-century, and, against a violent opposition, he succeeded in making his sound views prevail. More than two millions

of the bills of the neighboring governments in this Province, an Act was passed in 1738, under Mr. Belcher's administration [Prov. Laws, II. 965], prohibiting the passing of any of their bills emitted since the last day of May, 1738, — which should not be made redeemable by lawful money within ten years after their emission, — under an heavy penalty. This law was particularly calculated to prevent the currency of the Rhode Island bills here, but it had not the least effect before my coming to the administration, though two very large and very bad emissions of those bills have been made since the publication of this Act, and one or two Connecticut emissions. Since I came to the government, I have endeavored to have this Act carried into execution, by issuing a proclamation for that purpose, and, moreover, prohibiting all officers of my appointment within the government to pass any bill of a neighboring government; by which means I have put a stop to their currency at the public offices, and, as I am informed, have something checked the currency of the bills prohibited by the Act in the country, but not in Boston, where their currency is countenanced and forced by some merchants and traders, who have a particular interest in doing it. But, upon the next meeting of the General Court, I shall make a further effort to prevent this mischievous currency, but don't think it is possible to be effected without the aid of Parliament, by limiting the governments of Rhode Island and Connecticut as to their emissions.

“ If your Lordships would permit me to endeavor to give you an idea

of the Rhode Island emissions, I would observe that there is now computed to be about £420,000 of their bills extant. £37,300 of these were emitted to defray the charges of government, and to be drawn in by taxes; the remaining £382,700, payable in twenty years' time, is emitted upon loans, and may be looked on as a private corporation stock, which the original sharers make a bubble of by selling their shares at twenty or thirty per cent advance. About £70,000 only of these bills are computed to be circulating in their own Colony, being a sum sufficient for a medium of trade within it, and to defray the charge of government, the expense of which does not exceed, as I am informed, £6,000 per annum, or £1,000 sterling at most; the remainder, being £350,000, is circulating in this Province, forced in among us chiefly by their illicit trade; and their Colony may be reckoned gainers by the depreciating of that sum among us, within these two years, near £50,000 old tenor. The tenor of these bills is that they shall be received *pro tanto* by the Treasurer in all public payments, which implies that those public payments are a sufficient fund for drawing those bills in, whereas their taxes and public payments are not sufficient to draw in a tenth part of what they emit. It would add too much to the length of this letter to go into a detail of all the bad consequences of their paper-money scheme, so shall only say in general of it, that the license their Assembly take in these immoderate mischievous emissions is an abuse of his Majesty's government; will, if it is not sud-

of the Provincial bills of the old tenor were in circulation. At the existing rate of exchange with London, the sum to be received would be sufficient to pay nine tenths of the amount. Hutchinson urged the devotion of it to this use, and the payment of the remaining two hundred thousand pounds by the proceeds of one tax, which he said the people, with their new prospect of prosperity, would be well able to bear. This done, he would have a

denly restrained, have as bad effects as the late Land Bank scheme here would have had if it had not been timely suppressed; and will make the regulation of the paper currency in any other part of New England impracticable. However, I shall use the same endeavors for the regulation of it as if no Rhode Island bills were current in it, and will try to bring the Assembly into some measures, if it be possible to devise any further, to check the currency of the Rhode Island bills in it.

“ All emissions of bills by the three neighboring governments, which pretty much centre here, depreciate the paper currency in this Province upon their first coming out. The exchange between this Province and London will, I expect, upon the present New Hampshire emission, rise twenty or thirty per cent higher; that is, about four or five per cent upon the sterling hundred.

“ Your Lordships say you hope I have done all in my power to put the fund for the redemption of the bills called the middle-tenor bills [Provincial Laws, II. 818, 859, 974] upon a better foundation. Having wrote a second time at large upon that matter to your Lordships, I shall only add: That the possessors of those bills had an equivalent allowed 'em by the General Court in bills of credit of the last emission, which fell short of the redemption of 'em with silver and gold (which it was not in the power

of the Assembly to purchase at the time of the redemption) only seven and a half per cent, — a difference which happened by the depreciating of the new bills so much below their nominal value; That, through a mistake made in the emission of £17,000 in the middle-tenor bills in 1740, those of 'em which were redeemable at the Treasury after December, 1742, were mixed and confounded with others of 'em which were not, so that they could not be distinguished one from the other, which laid such an obstacle in the way of the redemption of 'em that it was generally expected none of 'em would have been redeemed at the Treasury; That the satisfaction which I at last obtained for 'em was beyond my own expectation, was obtained with great difficulty, and was so critical an event, that had I not watched to perfect the vote of the Assembly passed for that purpose by instantly giving my assent to it, the Assembly would have reconsidered and retracted it in less than twenty-four hours afterwards; That this is the only instance of the General Court's ever making an allowance to the possessors for the depreciating of any of their bills; and that persons most knowing the temper and proceedings of the Assembly in the time of this transaction, congratulated me upon the success of my application to the Court for doing the possessors justice, as what was very extraordinary.

law declaring silver at the rate of six shillings and eightpence the ounce, and Spanish dollars at six shillings each, to be the legal tender of the Province.

The plan, though reluctantly approved by the sanguine Governor, who had come to fancy that he had hit on other means of extrication from the bog, found at first but little favor with the General Court or with the public. Respect for Hutchinson, who was now Speaker, induced the House to refer it to a committee, who could not be brought to favor it further than by proposing that the author of the scheme should embody his views in a bill. The bill was at first rejected by a strong vote, but on a reconsideration it was adopted, with some amendments which conciliated opponents.<sup>1</sup> The money, when it ar-

And to demonstrate to your Lordships how general a persuasion there was that the Assembly would do nothing towards the redemption of the bills, just before I prevailed upon 'em so far as I did, those of the middle-tenor bills which were circulating passed for thirty-three per cent less than bills of an equal denomination emitted by the Rhode Island government in 1740, though the Rhode Island bills were not redeemable till about sixteen years hence, and these bills were redeemable in two months, so little expectation had the people in general that the bills would be redeemed by this government, before I recommended it and pressed it upon 'em."

To this report the Governor appended a "State of the Outstanding Bills of Credit of the Province of the Massachusetts Bay, extracted from the accounts of the several Treasurers for the time being from the year 1702 to the year 1743." The following particulars are drawn from this paper:—

In August, 1731, when Belcher entered on his administration, there was "outstanding in bills of the old

tenor, beyond their stated periods, the sum of . . . £157,706"

During Belcher's administration there was an increase of . . . . . 201,228  
£358,932

Shirley found also, when he came to the government, arrears of public debt, unprovided for, to the amount of . . . . . 32,000

And "there were wanting, besides the ordinary supplies of the Treasury, —

For fortifications . . . . . 50,000

For the Province's ship of war . . . . . 30,000"

And all this was before the heavy expenditure in the campaign against Louisburg.

<sup>1</sup> The Act prohibited, with penalties, the circulation in Massachusetts of bills of Connecticut, Rhode Island, and New Hampshire.

Eliot (Biog. Dict., p. 430) says that Shirley, communicating with the General Court on the capture of Louisburg, "always spake, 'your expedition, gentlemen,' till the capture, and then it was 'our expedi-

rived, took the place of the outstanding notes, expelling them from circulation; and for twenty-five years Massachusetts had the benefit of a solid currency. The home government interposed to secure the permanence of the reform. An Act of Parliament declared null any law of a New England Assembly making bills a legal tender in private transactions, and pronounced all Governors who should approve such a law incapable thenceforward of serving the King in any public office.<sup>2</sup> A new era began for Massachusetts. The disease which had been greedily preying upon her vitals was healed.

tion.'” In harmony with this humor of self-assertion was his report to the Duke of Bedford (Jan. 31, 1749) of the action for the restoration of a sound currency. “I have brought the Assembly into passing an Act . . . . for putting an end to the paper currency of this Province, upon the arrival here of the money granted by Parliament, . . . . by drawing in and exchanging their outstanding bills of credit for silver, at the rate of £10 in bills of what is called here the old tenor for £1 sterling, . . . .

as far as the sterling sum granted by Parliament will hold out, and drawing in the remainder of the bills (which are computed at £300,000 old tenor, or £75,000 of the new tenor, and of the value of £30,000 sterling at the before-mentioned rate) by a tax laid on the year 1749, so that the whole paper currency of this Province will be sunk . . . . within the year 1750.”

<sup>2</sup> Act of the twenty-fourth year of George the Second, Chap. 53.



## CHAPTER XI.

AT Shirley's departure, Lieutenant-Governor Spencer Phips became Chief Magistrate of Massachusetts. His administration, which lasted four years, was, like the administrations of other lieutenant-governors, unmarked by vigorous measures, whether on his own part or on that of the Legislature.<sup>1</sup> He was the nephew and adopted son of Sir William Phips, and, at the death of Belcher's friend, Lieutenant-Governor Tailer, had succeeded him in that office.<sup>2</sup>

When Governor Shirley went abroad, he left incomplete a negotiation with the eastern Indians, whose good behavior was not sufficiently secured by the pacification which had been made in Europe. Commissioners appointed by the Lieutenant-Governor — Sir William Pepperell, Thomas Hutchinson, James Otis, and two  
1749.  
Oct. 16. others — met delegates of the tribes at Falmouth,

<sup>1</sup> Shirley would not have gone away from Massachusetts, had he not judged that for the present there was nothing material for a governor to do there. He expected to be absent but a short time; and when he went, he advised Phips to do little as Chief Magistrate beyond keeping the place swept and garnished for himself against his return. Among other things he recommended that, unless when unavoidable, offices falling vacant should not be filled while he continued abroad, and that the

tenure of appointments to judicial office should be only for that time. (Minot, History, I. 112.)

<sup>2</sup> Spencer Bennett took his uncle's name by an Act of the General Court, June 23, 1716. (Province Laws, II. 66.) Hutchinson says (III. 174) that Belcher would not admit Phips to sit in Council without an election as Counsellor, and accordingly the records of that body do not show him to have been ever present at its meetings till he came to preside in them.

and renewed the treaty made by them with Dummer, a quarter of a century before.<sup>1</sup> 1726.

In consequence of the judicious arrangements made by Governor Dummer for the accommodation of the Indians in Maine, they gave little disturbance for several of the next following years.<sup>2</sup> Yet, partly owing to apprehensions of their hostility, the settlements in that Province extended but slowly ; so that, as late as the breaking out of the war with France, the population 1743. was estimated at only twelve thousand persons, dwelling in eleven towns,<sup>3</sup> and they were so poor that the whole tax which they paid into the treasury of Massachusetts was only three hundred and thirty-two pounds. They lived by ship-building, by the fur-trade, and by the profits of some commerce, especially with the West India Islands and the southern Colonies, from the former of which they brought back rum and molasses, and from the latter corn and pork, in exchange for their fish and lumber.

The quarrel between Belcher, who was a good friend to the Province, and David Dunbar, who would have detached it from Massachusetts, kept its affairs for years unsettled.<sup>4</sup> Governor Shirley was attentive to its wants, and in anticipation of the French war induced the Legislature to make liberal provision of forts, men, and supplies for its defence. In the expedition against Louisburg, the three officers highest in command of the Massachusetts troops — Pepperell, Waldo, and Moulton — were all citizens of Maine, and the enlistments from that Prov-

<sup>1</sup> " Upon the conclusion of a French war, we have never looked upon the Indians engaged in it against us to be included in the general treaty made in Europe between the two powers, but the King's government have ever made particular treaties with them." (Letter of Shirley to the Duke of Newcastle, May 10, 1749.)

<sup>2</sup> See above, Vol. IV. 444.

<sup>3</sup> Williamson, History of Maine, II. 212, 213. — The towns were York, Kittery, Wells, Berwick, Falmouth, Biddeford, Arundel, Scarborough, North Yarmouth, Georgetown, and Brunswick.

<sup>4</sup> See above, Vol. IV. 567-576; comp. Williamson, II. 165-167, 169-173, 176-178.



ince were numerous, largely out of proportion to the census of its people. While these recruits were withdrawn on distant services, the savages broke  
1745-  
1751. loose. They made unsuccessful attempts upon the fort at Pemaquid. They appeared at North Yarmouth, Scarborough, Falmouth, Brunswick, and other places, where, however, owing to the measures for resistance which had been taken, their invasions were rather annoying than attended with serious damage. It was to adjust affairs with them, after transactions of this nature, that Lieutenant-Governor Phips constituted his commission. The engagements which it obtained from them were imperfectly observed, as usual, and after two years it was again found necessary to call them to account. Then they made new promises of peaceable behavior, which by that time they had better learned that it was not for their advantage to violate; and the anxiety for which they never wholly ceased to give occasion was for the present relieved.

But this accommodation with the tribes in Maine did not put an end to warlike operations in the country farther east, which the French had no thought of relinquishing. The English post at Minas, near the isthmus which connects Nova Scotia with the mainland, was attacked by some natives, who, however, effected nothing more than to kill, or take prisoners, eighteen men of the garrison. The Lieutenant-Governor, when applied to by the English Governor of Nova Scotia for aid in avenging this outrage, agreed with the General Court in thinking that an occasion had not arisen for a costly expedition to such a distance. But an unfortunate occurrence nearer home occasioned apprehensions of a fresh disturbance from the natives. At the new settlement of

1750.  
June 9. Wiscasset, in a quarrel between some Englishmen and a party of neighboring Indians, one of the latter was killed and two were wounded. The resent-

ment for this injury spread to the settlements on the St. Lawrence, where the French ecclesiastics never failed to avail themselves of an occasion for mischief; and a party of some eighty Canadian Indians took the war-path into Maine. The government proceeded against the alleged murderers in the due forms of law. One of the accused having been acquitted on a trial in the county of York, — possibly by reason of his cause having enlisted the passions of the people and of the jury, — the other two were sent to be tried in the county of Middlesex, and the Indian friends of the killed and wounded men were invited to come and judge for themselves whether the legal proceedings were fair. Though they declared themselves satisfied, they had no sooner returned than the bad temper of their Canadian allies began to show itself in attacks upon some posts by the Kennebec. The Governor convoked the General Court, who ordered a levy of a hundred and fifty men for the defence of the settlements. But the pernicious marauders had already withdrawn within the lines of their French protectors.

Nova Scotia was constantly growing in importance. In a consideration of the best method of disposing of the large number of soldiers and seamen thrown out of employment by the recent peace, the British government conceived the project of establishing a colony on that peninsula. Parliament granted forty thousand pounds towards defraying the expense of the undertaking, and four thousand immigrants with their families, coming to the long well-known harbor of Chebuctoo, established there a town which received the name of Halifax, in honor of the new president of the Board of Trade.<sup>1</sup> Louisburg having been

1750.  
August.

September.

Halifax  
founded,  
1749,  
June.

<sup>1</sup> Great expectations were entertained from this appointment. Charles Townshend, still a young man, was also a member of the Board, which was expected to display new vigor.

restored to France, Halifax was to be the magazine for the maritime defence of the northern English Colonies and for the police of the fishing-grounds. Intrenched in strongholds at Halifax, Annapolis, and other posts less important on both shores, the English had now military occupation of the peninsula. But there was a numerous French population, always an occasion of anxiety, and destined before long to give serious trouble. The *French Neutrals*, as they were called, were required, as a condition of their residence, to swear allegiance to the British Crown; but irrepressible sympathies, religious and patriotic, united them with their countrymen in Canada, and it was no secret on either side that they would be no more loyal to their English master than their safety from time to time might require.<sup>1</sup>

In the tranquil period which immediately followed the termination of the war and the adjustment of the currency, an unsuccessful attempt was made to obtain a

<sup>1</sup> Shirley presented to the government a paper, which he entitled "General Heads of a Plan of a Civil Government for Nova Scotia." He proposed that that Province should have a charter similar to the charter of Massachusetts, with certain exceptions, among which were: That the Assembly should be elected for three years, instead of for one; that the Governor should have power to remove the Lieutenant-Governor, Counsellors, and other officers (including Judges, as to whom there was now a question whether they were subject to removal, except with the consent of the Council); that a proportion should be established between the members respectively of the two branches of the Legislature; that liberty of conscience should be accorded to Papists (on which point he had changed his mind, for he wrote to the Duke, Oct. 20, 1747, objecting to an allowance of this freedom to

the Nova Scotia Romanists); and that the Chief Justice and Attorney-General should be appointed by the Crown. The similarity of the proposed charter to that of Massachusetts would, he thought, attract settlers from New England. (British Colonial Papers, under the date of Feb. 18, 1749.)

At this period, it seems, the Naval Office in Boston was a piece of patronage valued by Shirley as it had been by Belcher. (See above, Vol. IV. 540, note 2.) Jan. 22, 1750, Shirley (dating from St. James Street, London) had written to the Duke, asking that his son might be "*re-made* Naval Officer, *vice* Pemberton," whom the Duke had in the year before been solicited to advise the King to direct Shirley by letters-patent to restore to the place. (Ryder to the Duke of Bedford, May 12, 1749, and Shirley to the Duke.)

revisal of the Provincial laws, some of which were complained of as equivocal, others had been found to be conflicting, and others had by common consent gone out of use. The attention of the home government was drawn to the subject, and, under an instruction from them, the Lieutenant-Governor, with the Council's approbation, recommended a revisal. But the House dissented, being apprehensive that their whole legal system would be thus brought under the royal cognizance. The House before long took a different view of the question; but the Council had now altered its mind, and the scheme fell to the ground.<sup>1</sup>

In Shirley's absence the old dispute was revived respecting the appointment of the Attorney-General. When it was last moved, in Governor Burnet's time, the practical decision had been in favor of the Governor's power to designate that officer. The charter authorized the Governor, with the advice of his Council, to appoint officers belonging to the courts of justice. The House now, as formerly, maintained that the office of Attorney-General did not fall within this description; that, accordingly, he must be chosen by the General Court, agreeably to another provision of the charter; and that such had actually been the practice of the government since the time of Burnet. The Council held that, though in fact their Board had of late joined with the House from year to year in the election of an Attorney-General, yet successive Governors had disapproved that method, and, accordingly, it had never acquired a legal character; and that, on full deliberation, they had determined not again to be a party to what they were satisfied was an erroneous practice. The House

<sup>1</sup> The home government had a March 26, April 14, 1752, April 19, spasm of interest in the subject, 1753; Journal of the Board of Trade, which, however, soon passed away. for April 3, May 3, 1753.) (Register of the Privy Council, for

had no remedy, when the Attorney-General, nominated by the Governor and approved by the Council, was recognized by the Courts.<sup>1</sup>

That fearful malady, the small-pox, spread again in Boston. Of twenty-one hundred persons who were inoculated with it, only thirty-one died. It seized, <sup>1752.</sup> without inoculation, fifty-five hundred and fifty persons, more than a quarter part of the population of the town, and of this number proved fatal to five hundred and fourteen, or nearly one in ten.<sup>2</sup>

The absence of Governor Shirley from Massachusetts was protracted much beyond what had been proposed. The British Ministry availed itself of his experience and local knowledge in conducting at Paris the negotiation for defining the boundary of the territory which, under the name of *Acadia*, was ceded to Great Britain by the treaty of Aix-la-Chapelle.<sup>3</sup> For like qualifications, M. de la Galissonnière, lately Governor of Canada, was employed as commissioner on the part of the French. Their laborious conferences were fruitless. There was so much good evidence on both sides respecting the senses which in the course of more than a century had been put upon the contested name,<sup>4</sup> that by parties devoted to such

<sup>1</sup> By an Act of Parliament of this year, Great Britain, last of the States of European Christendom, except Russia and Sweden, adopted the Gregorian Calendar, shifting the beginning of the year from March 25 to January 1, and omitting a count of eleven days in the next September. The introduction of this great improvement, long disrelished by the English nation on account of its Popish origin, was mainly due to the perseverance of Lord Chesterfield. It was resisted with a violent zeal. One of its friends, a candidate for Parliament after its adoption, was assailed on the hustings with the cry, "Give us back the eleven days you

have robbed us of." (Mahon, History, III. 340; IV. 15.)

<sup>2</sup> Seventeen years later, Virginia was so far behind the times as to prohibit inoculation for the small-pox under a penalty of a thousand pounds. (Sparks, Washington's Writings, V. 22, note.)

<sup>3</sup> Shirley went to Paris in April, 1750, having first passed six months in England.

<sup>4</sup> The topics of argument on the opposite sides, than which nothing can now be more uninteresting, are expounded in Haliburton's *Nova Scotia*, I. 143-148; comp. Bury, *Exodus of the Western Nations*, II. 202-206.

opposite interests it was impossible that a conclusion should be reached in this manner of discussion. The question could only be settled by compromise or by war. The commissioners separated, reporting to their principals the impossibility of an agreement.

Shirley returned to England, and thence, with every mark of ministerial favor, was sent back to his Provincial government.

He was received at Boston with a friendly welcome. The enthusiasm excited by the great exploit of the conquest of Cape Breton was not exhausted ; his treatment of the Province had, on the whole, been forbearing and confiding ; and his ability and public spirit were beyond dispute. If he looked at his duty with the eyes of a servant rather of the King than of the Province, there was not now as much as under former administrations there had been of conflict between those two sorts of obligation ; nor had he shown himself disposed to press offensively the Governor's or the King's prerogative. He had, however, done in his absence a foolish act, which, besides creating in suspicious minds an apprehension that he might have been brought under influences favorable to France, tended to impair in general the respect entertained for his good sense. At Paris, when past the age of threescore, he had been attracted by the beauty of a young girl, the daughter of his landlord, and, having married her, he brought her to Boston, — child and Catholic as she was, — to take precedence in the society of the Puritan matrons of Massachusetts.

Shirley resumed his government, thoroughly acquainted with the critical condition of New England and of all British America at the time, and by no means inattentive to the career which was opened to his own ambition. His observations in Paris, and the experience of his negotiations there, had deepened his conviction that the French Court entertained designs which called for measures of

counteraction on the largest scale ; and it may be safely presumed that he had had conferences with the Ministry and with the Board of Trade on this subject, and on the course of action which he entered upon with so much ardor soon after his return to Massachusetts. The brilliant success at Cape Breton, attributed to his enterprise and good management, had created both in himself and in the Ministry an exaggerated impression of his military talents. He was by many degrees the most powerful Englishman in America.

He turned his attention first to the nearest danger. He had scarcely landed when he appointed a commission, with Sir William Pepperell at its head, to take new securities for the fidelity of the eastern tribes of Indians. The negotiation was conducted to the most successful issue which it was ever worth while to expect from a treaty with these people. They renewed the professions and promises of four years before, and by so much was the time abridged in which they might afterwards pretend to forget the agreements into which they had entered.

The grasp of French power, made continuous by Indian alliances more or less definite and stable, enclosed all the possessions of England on the Continent of North America. The line of French military posts and missionary stations extended from the Gulf of St. Lawrence, up the river of that name, along the great interior lakes, and down the rivers Ohio, Illinois, and Mississippi, to the Gulf of Mexico. The number of French was much inferior to that of the English, for at this time Shirley estimated the population of Massachusetts alone at two hundred thousand souls, and that of Connecticut at two thirds as many.<sup>1</sup> But for a contest the French had that

<sup>1</sup> Shirley to Lord Holderness, Jan. 7, 1754. — According to the best information they could obtain, the Board of Trade estimated the total population of the Anglo-American colonies in 1754, at 1,485,634 (of



great advantage of concentrated power, which has been more than once brought to the reader's notice. The King directed all their movements with the intelligent vigor of a single will. The antagonist power was dislocated and fragmentary. Some of the English Colonies were bound to the parent government by what practically was only a partial allegiance; they often judged differently from that government on the question as to who ought to furnish the men, and especially the money, for carrying on a necessary war; there was no local authority to unite them in common counsels and action by superiority to them all. From some want of capacity, or want of endeavor, or dissimilarity of temperament, they failed to make fast friends of the native races, whose help was so material and whose hostility so mischievous. While the light-hearted French soldier captivated the savages by his easy adaptation to all sorts of habits and circumstances, and the many-sided French ecclesiastic took their fancies with the stage-properties of his ritual mummary, the less sociable English always owed even that alliance with the Five Nations which was so important a defence to them, less to any love for themselves than to some advantages for trade which their geographical position enabled them to offer, and to the jealousy of the designs of their more agreeable neighbors which they were able to inspire in those tribes.

With the Five Nations (the Tuscaroras, fugitives from Carolina, did not come into that confederacy till later), the English had had treaties for nearly a hundred years, and they further held that by the treaties of Utrecht and of Aix-la-Chapelle the French were precluded from establishing themselves among those tribes. Yet the French had built and garrisoned forts at the eastern end of Lake Ontario ;

1712-1715.

1664-1687.

1713.  
1748.

1672-1684.

which number more than one-sixth of Canada at only 90,000. (Chalpart were blacks), and the population mers, *Revolt*, II. 273, 274.)



at the junction of Lake Superior and Lake Michigan, and at that of Lake Huron and Lake Erie; at the eastern extremity of the latter basin; and on both shores of the long reach of Lake Michigan; besides others nearer to their permanent settlements, as at Toronto, Crown Point, and the foot of Lake Champlain. "The French," Shirley wrote to England, "claim all the country lying to  
<sup>1754-</sup> the westward of the Appalachian or Alleghany  
<sup>1755.</sup> Mountains. . . . They seem to have advanced further towards making themselves masters of this continent within these last five or six years than they have done ever since the first beginning of their settlements upon it."

His chief immediate concern was for Nova Scotia. Soliciting from the Ministry a supply of two thousand stand of arms, he urged upon them the necessity of attention to the defence of that peninsula. "When Nova Scotia is lost, the French may be looked upon to be in the end masters of the continent." Their great embarrassment, he said, was the difficulty of subsistence. The soil of Canada did not yield enough to feed its own people. Cape Breton was scarcely better. Nova Scotia was fertile and productive.<sup>1</sup> The possession of Nova Scotia would give to the French easy communications with Canada by the Bay of Fundy on the one side, and the Gulf of St. Lawrence on the other, and would offer to them a conquest of New England as far as to the river Merrimack. It "would open an entrance for as many troops as they should think fit to pour in from Old France;" and, New England overrun, there could, he argued, be no further resistance, for the western

<sup>1</sup> Letter to Sir Thomas Robinson, Dec. 8, 1754, in which year Robinson (characterized by Lord Mahon, IV 38, as "a dull, uncouth, yet complying man") succeeded Henry Fox as Secretary of State. Three objects,

Shirley said, ought to be contemplated for action in the next summer, — expelling the French from Nova Scotia, and erecting forts at Crown Point, and on the upper waters of the Kennebec.

colonies were always exposed and weak by reason of their holding slaves. "Nova Scotia abounds with safe and commodious harbors, capable of entertaining larger squadrons than the same extent of sea-coast in any other part of the world. . . . The French have now but one harbor in North America upon the Atlantic Ocean [Quebec], difficult at all times, and practicable but for a few months in the year." With Nova Scotia, New Hampshire would be lost, "from whence the royal navy is almost wholly supplied with masts, yards, bowsprits, etc." <sup>1</sup>

The British Ministry had not been inattentive to the enfeebling influence on the Colonies incident to their independence of one another, and its attention was now turned to the application of a remedy. The Board of Trade wrote to Lieutenant-Governor De Lancey, of New York, directing him to invite the respective governments of New Hampshire, Massachusetts, New Jersey, Pennsylvania, Maryland, and Virginia, to send delegates to Albany to confer with delegates from his own Province concerning a more efficient system for the common defence, and a confirmation of the friendship with their Indian allies.<sup>2</sup> The omission of Rhode Island and Connecticut from the summons was probably owing to their being remote from the endangered frontier. Both, how-  
1754.  
June 19.  
 ever, sent commissioners, who were accredited and received. On the other hand, Virginia and New Jersey were not represented. From the New England Colonies and from New York, Pennsylvania, and Maryland, twenty-five delegates came together. Shirley was not present at the Congress. The members of it most considerable, and since then most famous, were Thomas

<sup>1</sup> Letters of Shirley to Secretary Robinson.

<sup>2</sup> April 2, the Governor of Massachusetts informed the General Court

by a message that he was instructed to invite them to send commissioners to the Congress.

Hutchinson and Benjamin Franklin of Massachusetts, — the former representing his native Province, the latter coming from Philadelphia, which had been his home ever since he arrived at manhood.

The business with the Six Nations,<sup>1</sup> which occupied several days, was satisfactorily concluded. Liberal presents were made on the one part, and liberal promises on the other. Before the Indians had gone their way, the commissioners from Massachusetts opened a new business, with which they alone had been charged by their constituents. In connection with the ministerial project for a better combination of means and resources for the common security, the General Court had called to mind the great benefit of the New England Confederacy formed a century before ; and, thoughtful of reviving and extending that arrangement, had given authority to its commissioners “to enter into articles of union and confederation for the general defence of his Majesty’s subjects and interests in North America, as well in time of peace as of war.” The commissioners passed a unanimous vote that “a union of all the Colonies is at present absolutely necessary for their security and defence,” and appointed a committee consisting of one delegate from each Province represented, to prepare the plan of such a union. Hutchinson and Franklin were members of the committee.

Though only Massachusetts had instructed her commissioners on this subject, it had been canvassed in other Provinces in the patriotic circles, and Franklin brought with him from Pennsylvania the sketch of a plan, respecting which he had already consulted some friends possessing influence in New York.<sup>2</sup> This was taken as

<sup>1</sup> The Five Nations became the Six Nations, by the accession of the Tuscaroras, in 1715.

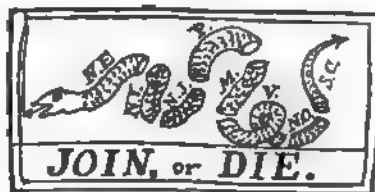
<sup>2</sup> May 8, 1754, Franklin wrote to

Partridge, the agent of Connecticut and Pennsylvania in London: “I send you a paragraph of news from our Gazette, with an emblem printed

the basis of a frame of general government, which was reported by the committee to the convention, and after a debate of two weeks was adopted by that body.

The scheme contemplated the appointment and support by the crown of a President-General over all the English Colonies on the continent of North America, except Nova Scotia and Georgia. He was to have a Grand Council, "to be chosen by the representatives of the people of the several Colonies met in their respective assemblies," and to consist in the first instance of forty-eight members, of which number Massachusetts and Virginia were each to send seven and Rhode Island two, and no Province was ever to have more Counsellors than the larger of these numbers, nor fewer than the less. There was to be a new election of the members of the Grand Council every three years, and it was to meet every year, and as much oftener as it should be convoked by a vote of its own or by a summons of the President-General. The Council was not liable to "be dissolved, prorogued, nor continued sitting longer than six weeks at one time without their own consent, or the special command of the crown," and a quorum was to be constituted of twenty-five members, of whom there was to be "one or more from a majority of the Colonies." The President was charged with the execution of the orders of the Grand Council, but had a negative upon them. With the advice of the Council he might make peace or war with the Indian tribes; agree with them respecting regulations of trade and purchases of land;

therewith, which it may be well enough to get inserted in some of your most public papers." The "news" related to Ensign Ward's surrender of his fort on the Monongahela, April 17. The following is a *fac-simile* representation of the "emblem," which I took from the State Paper Office in London.



grant lands in the King's name, with a reservation of quit-rents for the general treasury; make laws for new settlements, subject to the pleasure of the crown; raise armies, equip fleets, and build forts, but not impress men in any Colony without the consent of its legislature; "lay and levy general duties, imposts, or taxes," and provide for the custody and issue of public money. All laws made for these purposes were to be "not repugnant, but, as near as may be, agreeable to the laws of England;" they were to be forthwith transmitted to the King in Council, and were to be permanently valid, if not disapproved within three years. Military officers were to be nominated by the President-General, and confirmed by the Grand Council, and civil officers were to be nominated by the latter body and confirmed by the President-General.

The plan found favor in neither of the quarters from both of which it needed approval in order to go into effect. "The assemblies," according to Franklin, "all thought there was too much prerogative in it, and in England it was thought too much of the democratic." The colonial legislatures all disposed of it by disapproval or by neglect, and the Board of Trade would not so much as bring it to the King's notice.

A different project, entertained by the British Ministry, was for constituting a central authority, to consist of the Provincial Governors with some members of their Councils, and to have command of a treasury supplied by colonial taxes laid by Parliament. Governor Dinwiddie of Virginia, and others, would have had two confederacies, a northern and a southern. Governor Shirley practised reserve. On the one hand, he might reasonably expect to be made President-General (or more than Lord-Lieutenant) of British America, should such an office be created. On the other hand, he could have had no sanguine expectation of that result, and he might

well fear that by any promotion of it he would jeopard his favor with the Ministry. When he became acquainted with the ministerial plan, he communicated it to Franklin, who came to Boston in the autumn after the convention; and a correspondence on the subject took place between them, in the course of which Franklin urged, with some of the arguments which afterwards became common, that it would occasion discontent in the Colonies to tax them by Act of Parliament, as long as they had no representation in that body.<sup>1</sup>

<sup>1</sup> For a variety of particulars of the proceedings and arguments in this all-important transaction, see Sparks, Writings of Franklin, III. 57-68. Comp. Minot, History of Massachusetts, I. 188-201.

Dec. 24, 1754, the Congress was dissolved. The previous July, Shirley wrote to Secretary Robinson that of all the colonial commissioners, those from Massachusetts alone had brought powers to treat concerning Articles of Union. "As to the plan of the proposed union agreed upon," he said that the commissioners had "no expectation that it would have any effect," so diverse were the circumstances and views of the different Colonies. But he thought that the deliberations had "paved the way clearly for his Majesty's ordering a plan of a union to be formed at home, and the execution of it enforced here by an Act of Parliament." He was told by the Massachusetts commissioners that the Congress were of a "very near unanimous opinion:" 1. That "a general union of their forces and councils" was necessary for security against the French; 2. That it could not "be carried into execution but by authority of the Parliament of Great Britain;" 3. That the proportions of charges and of representation in the Council, determined by the late Congress, should be accepted as the sense of the Colonies. "The

prerogative," he says, "is so much relaxed in the Albany plan that it doth not appear well calculated to strengthen the dependence of the Colonies upon the crown." He had "formed a rough sketch" of a plan; but learning that the Lords of Trade were projecting one, he "did not think it proper to transmit his crude sentiments upon so difficult and delicate a work." He resumed the topic a month later. "Considering what powers the plan proposes to give to the people of the Colonies, and that yet they think it not popular enough, it seems to take away all expectation that any proper plan will ever be concerted in the Colonies, and to show the necessity of his Majesty's Ministers forming one to be established by the Parliament of Great Britain." (Shirley to Robinson, Jan. 24, 1755.)

A union of the Colonies under one head as an expedient for exacting money from them was not a project now for the first time conceived in England. See, above, Vol. IV. 430; comp. Docs. Rel., &c., V. 629.

After the rejection by Massachusetts of the Congress's Plan of Union (December 14), another was proposed in the General Court. The paper remains (in Mass. Archives, VI. 171 *et seq.*), in Hutchinson's handwriting. (See Frothingham, Rise of the Republic, &c., 147, 613.)

At an early day after Shirley's return to America, a measure of the House of Representatives was obstructed by him with an opposition little to be expected from a supporter of prerogative. By way of a partial relief to the holders of real estate, upon whom the taxes for military and other charges were so burdensome, the House passed

<sup>1754.</sup>  
<sup>June 13.</sup> a bill for an excise upon wines and distilled liquors. The bill provided for domiciliary examinations by collectors and their deputies, and for the exaction by them from householders of an oath as to the quantities consumed by their families. The bill was assailed with vehemence; and when the Council, after a rejection of it, had, on a reconsideration at a thinner meeting, reversed their decision, the Governor, in a message to both Houses, called their attention to objections to it, and advised that further action upon it should be deferred till their next session. His counsel was followed, and the consequence was that before the Court next came together, in the following October, the question was warmly discussed in newspapers and pamphlets. The objectors urged a variety of considerations, — as the hardship of domiciliary visits; the tyranny of interfering with the freedom of the citizen as to his diet; the inequality of the share of the public burdens laid on the cider-drinker and the favorer of stronger potations;<sup>1</sup> the wasteful expensive-

<sup>1</sup> "Every Englishman, I apprehend, has a right to enjoy the fruit of his honest industry in what way he pleases, provided he keeps himself within the bounds of virtue. . . . Every Englishman has a right according to his fortune, to indulge himself in the use of wine, or cider, or any other liquor that is most agreeable to him. One chooses wine; another, perhaps richer than he, chooses cider; the one pays a considerable tax to the public, because he drinks wine; while the other pays nothing at all, because cider is his darling drink."

("The Voice of the People," 3, 4.) Another pamphlet in this controversy was "A Plea for the Poor and Distressed against the Bill for granting an Excise," &c. Another, on the same side, was "The Crisis," anonymous like the rest, but attributed at the time to Dr. Samuel Cooper. It was perhaps the only pamphlet published by him on a subject out of the line of his profession, though at a later period he exerted an important influence on political affairs by copious contributions to the newspapers. To Dr. Cooper's tract was appended



ness of collections; the demoralizing tendency of the multiplication of oaths and of the intrigues for place to which the bill would give occasion; the cruelty of raising the price of what were like necessities of life to borderers, fishermen, and other laborers of humble means. It was plain that there was great diversity of opinion as to the scheme, and no small irritation. The House softened the opposition to it by some amendments not of the first importance, and with the Governor's reluctant sanction it passed into a law. In its operation it failed to justify either the promises of its champions or the alarms on the other side.

Though for two years longer England and France were not avowedly at war, the conflict between their respective Colonies in America had already begun at the time of the Congress at Albany. The earliest scene of it was on the northwest border of Virginia. The French and Indians scattered along the river Ohio, having maltreated some English settlers and traders in that region, and the French commander to whom Governor Dinwiddie complained having refused to give satisfaction, the Governor erected a fort for the protection of his people at the confluence of the streams which form that river. A French <sup>1754.</sup> force captured it, and gave it the name of Fort <sup>April 17.</sup> Duquesne.<sup>1</sup> A skirmish between some of these French

an advertisement of another treatise entitled "The Monster of Monsters," which the House, on its coming together, condemned as a "false and scandalous libel," and ordered to be burned by the common hangman. By further causing the printers and the supposed author to be taken into custody, they engaged in the course of measures so commonly resorted to in such cases, and so commonly leading to much embarrassment and to small results.

<sup>1</sup> "Every ninth fighting man went out of the Province of the

Massachusetts Bay upon the expedition against Cape Breton, and for the defence of Nova Scotia, in 1745; why should not every twelfth fighting man at least in Virginia be raised there to repel the enemy out of their country?" (Shirley to Secretary Robinson, Feb. 4, 1755.) "If our people had such a warlike spirit as their brother subjects in New England, we could have drove the French from the Ohio long ere this." (Dinwiddie, Governor of Virginia, to Robinson, July 23.)

A son of Shirley fell at Fort Du-



and a detachment of Virginia militia first brought into notice the name of GEORGE WASHINGTON.

In Massachusetts no disinclination was felt to the conflict which now was indubitably at hand. The exploit at Louisburg had fired her people with military and patriotic ardor. Nine years had passed since that romantic achievement. Men who had shared in its excitement were still in early middle life, and the boys who had partaken with their elders in the agitations of the tidings from the distant camp, had grown up to an age for enterprise and emulation; while every recent year had been bringing new proof that the existing relations between New England and New France could be endured no longer.

A few weeks after the loss of the western fort, while the Albany Congress was in session, Governor Shirley,  
 1754. authorized by his Legislature, proceeded at the head of five hundred men to take measures for the defence of the eastern country, where, as he wrote to Lord Holderness, Secretary of State,<sup>1</sup> he was informed that the French had been establishing themselves on the highlands between the Kennebec and the Chaudière. No hostile preparations were found to be in progress on the part of the French or their allies in that region, and the Governor returned to Boston, after building two forts on the Kennebec, within the sites of the present towns of Augusta and Waterville, which, as he told the Legislature, occupied the usual place of rendezvous for the Indians when they mustered for an inroad, and would command the route in that quarter to Quebec.<sup>2</sup> Arriving at the

quesne, in Braddock's defeat, and Washington came to Boston in February, 1756, to inform the Governor of the circumstances of that misfortune, and at the same time to obtain his decision of a question of rank between himself and a Maryland captain. He remained in Boston ten days, and sat to Copley for his por-

trait. (Sparks, Writings of Washington, II. 132; comp. Mass. Hist. Soc. Proc., 1873, p. 321.)

<sup>1</sup> Lord Holderness succeeded as Secretary of State, when the Ministry was rearranged after the death of the Prince of Wales in 1751.

<sup>2</sup> In this communication to the Court, he ascribed the inactivity of

capital, he received disquieting intelligence from the west. The natives about Stockbridge had been tampered with by French emissaries, and had already committed some depredations in the English villages. But by friendly communications they were pacified, and tranquillity in that quarter was restored.

The encroachments of the French along the line of the Ohio were the first movements in the war for which preparation had been making on both sides. That it should be conducted with punctilious humanity on either side was not to be expected in the circumstances. Certainly the brutal Indian would not be more merciful than the civilized soldiers who led him into the field. In the long course of these wars the ferocity which has been thought to be one permanent element in the French character had been conspicuously displayed, and the bloodthirstiness of Popish zeal had lent its aid to invest the assaults upon the English with all circumstances of inhumanity and horror. The people of the New England Colonies — especially of Massachusetts, which was chiefly concerned — believed that they should have no more trouble with the Indians if the French were only out of the way. And with perhaps no sanguine hope after such crushing disappointments, yet with a stern resolve to bring about the all-important consummation, they engaged once more in the costly conflict. A prodigality of money and blood was not to be shrunk from, so it should relieve their posterity from the nuisance of such neighbors. And if at this calmer time they seem to us to have resorted to any measure involving even more than the customary rigors of war, it is fit we should consider whether, however repulsive in its severity, it may not justly or naturally have been considered as due to the necessity of self-preservation.

the French to their "having so much business upon their hands on the Ohio." Aug. 19, 1754, he wrote from Falmouth to Secretary Robinson that he had been among the Norridge-wocks and Penobscots, and obtained their acquiescence in his fortifying the upper Kennebec.

1755.  
April 14. General Braddock and Admiral Keppel, in command of the British forces,<sup>1</sup> met Shirley and others of the colonial Governors in council at Alexandria,<sup>2</sup> when it was concluded that the Colonies were immediately threatened from four principal points, and that to these their own operations should accordingly be directed. The southernmost was Fort Duquesne, now Pittsburg, on the Ohio. About two hundred miles distant from it to the north was Fort Niagara, at the point where the water of the upper lakes discharges itself by the river of that name into Lake Ontario. This fort, with the work at Oswego, a hundred and twenty miles to the east of it, commanded that lake; and the relations of the two to Montreal on the one side, and to Fort Duquesne on the other, kept up the communication of Canada with the Ohio, and so with the Mississippi and the Gulf of Mexico. Farther east and close at hand, the French menaced the New England settlements from Lake George and Lake Champlain, where they held Crown Point<sup>3</sup> and Ticonderoga; while in Nova Scotia they continued to maintain a disturbing familiarity with the turbulent rout of eastern Indians.

The first scene of the great drama now to be played to its end was a peculiarly mournful one. Some circumstances gave it prominence among the applications, forever renewed, of the old rule, — *whatever the delirium of monarchs, their subjects bear the stripes*. Along the north-western coast of the peninsula of Nova Scotia dwelt a people living comfortably by agriculture and fishing, descendants from the early French settlers. On the cession of Nova

<sup>1</sup> From England General Braddock brought with him only two regiments. The main dependence of ministers was on the colonial soldiery.

<sup>2</sup> Besides Braddock, Keppel, and Shirley, the Council consisted of the Governors De Lancey from New York, Morris from Pennsylvania,

Sharpe from Maryland, and Dinwiddie from Virginia. June 20, 1755, Shirley reported to Secretary Robinson their plan for four expeditions.

<sup>3</sup> Feb. 13, Governor Shirley proposed to the General Court to build a fort to command Crown Point.

Scotia to Great Britain by France, at the peace of Utrecht, they were required to take the oath of <sup>1713.</sup> allegiance to the British Crown, which they refused to do, except with the reservation of not being compelled to bear arms against their former sovereign. This condition was for the time assented to, and they came to be known by the name of *French Neutrals*. Allowing for some dash of poetry in the account given of their character and condition by the Abbé Raynal,<sup>1</sup> from whom chiefly the recently current descriptions of them have been derived, — there appears to be no doubt that they were a virtuous, simple-minded, industrious, unambitious, religious people. They were rich enough for all their wants; they lived in equality, contentment, and brotherhood; the priest or some trusted neighbor settled whatever differences arose among them.

After the cession, the English, without disturbing the Neutrals, attempted to establish some settlements in their neighborhood, but with little success. The pioneers were perpetually annoyed by the savages around them, whom they as constantly believed to be secretly stimulated and provided by the French, — a belief which was not without important confirmation when the French Governor at Louisburg, on a complaint to him of the conduct of the Indians, said that it was not he or his people that stirred them up, but the Nova Scotia Neutrals, who were British subjects, and for whom he was in no sort accountable. It was at the same time a substantial cause of jealousy and uneasiness that their priests were appointed by the Bishop of Quebec; and in fact one of those priests had lately been detected in treasonable practices, and been expelled therefor from the country by the English authorities.

The French had been using the advantage of peace to hem in their rivals within the peninsula of Nova Scotia, and had fortified the isthmus which connects it with the

<sup>1</sup> *Histoire Philosophique et Politique, &c.*, VII.

mainland. The Neutrals within the province, with attachments notoriously as well as naturally and blamelessly on the side of their brethren in religion and blood, vastly

1749. outnumbered their English neighbors. Edward Cornwallis, the English Governor, thought it necessary to require them to take the oath of allegiance without qualification. Deputies from the several districts replied: "The inhabitants in general, sir, over the whole extent of this country, have resolved not to take the oath which your Excellency requires of us. . . . If your Excellency is not disposed to grant us what we take the liberty of asking, we are resolved, every one of us, to leave the country."<sup>1</sup> And so the matter rested for the present.

The alarm of the new war with France came when six years more had passed. In the sequel of a correspondence between the British commander on the spot and Shirley, now a colonel in the King's regular service as well as Governor of Massachusetts, two thousand Provincial troops sailed from Boston to aid in repelling the expected French invasion of Nova Scotia. Their immediate commander was John Winslow, of Marshfield; but he was subordinate to Colonel Monckton of the British army, as Monckton was to Lieutenant-Governor Lawrence. They took the French forts,<sup>2</sup> and in the force which garrisoned the first of them that fell, they found three hundred of the so-called Neutrals,—King's subjects in arms against the King.<sup>3</sup>

<sup>1</sup> Selections from the Public Documents of the Province of Nova Scotia (1869), 171-175.

<sup>2</sup> June 19, Monckton wrote to Shirley that he had taken Fort Beau Séjour. "The isthmus is now clear. . . . Colonel Winslow marched yesterday with five hundred men. . . . The peasants are all to bring in their arms to-morrow, and I shall wait Colonel Lawrence's orders for their fate."

<sup>3</sup> In the capitulation one of the conditions was in these words: "the inhabitants to be left in the same situation as they were when we arrived, and not punished for what they have done since our being in the country." Secretary Robinson called Governor Lawrence's attention to this, and Lawrence replied (Nov. 30, 1755): "In the fourth article of the capitulation of Beau Séjour, . . . I apprehend nothing further

What was next to be done? It was a period of great alarm, and fear is the harshest of the passions. General Braddock's defeat in Virginia, almost at the same time,<sup>1</sup> had sent consternation through British America. Mismanagement and disaster were following Shirley's course along Lake Ontario. Baron Dieskau, an officer who had served with reputation under Marshal Saxe, had lately arrived from Europe to take command of the French forces, and was dashing up Lake Champlain and Lake George into the very heart of the strongest English Colonies; while here, on nominally British territory, was a numerous disaffected people, within easy reach of Quebec, and near neighbors on the one hand to the fisheries on the Banks, and on the other to those terrific Indian tribes whose tomahawks and torches had so often broken the slumbers of the peaceful border villages. They would be much more than a match for their English neighbors, when the army and fleet should be withdrawn, and would be strong enough to reduce Halifax and the other posts, and overrun the peninsula. To secure their harmlessness, in their present position, nothing less would be necessary than expensive forts and armaments, which the Crown was in no wise inclined, and the New England people were in no condition, to maintain. Should they be dismissed to their countrymen in Canada, they would only go exasperated by their losses, or, at all events, under coercion from their superiors, to be so much addition to that formidable power which was already with so much difficulty kept in check.

Reasoning in this way, Lawrence, Lieutenant-Governor of Nova Scotia, and Boscawen and Mostyn, admiral and

was understood either on the one part or the other but that the French *inhabitants found in arms* in the fort should not be put to death." I suppose it was generally agreed that in the circumstances the clause could have had no meaning applicable to the neutral inhabitants at large, and I do not find that a different interpretation was insisted on by the French.

<sup>1</sup> July 9, 1755.



vice-admiral on the station, determined, under their authority from the Ministry, on a course of proceeding the severity of which it is grievous to record. They decided to remove these unhappy people from their homes, and disperse them, despoiled of their immovable property, in the more southern provinces.<sup>1</sup> It was a shocking meas-

<sup>1</sup> It was the execution of a plan which had been deliberately thought of for years. As long ago as immediately after the capture of Louisburg, Shirley wrote to the Duke (Sept. 22, 1745) that he had considered a plan for burning the houses of some thousand French at St. John, who desired to be neutral, and sending them to Boston, and had only abandoned it in consequence of the alarm of the Duke d'Anville's fleet on the coast. Already (December 23) he was sensible to the danger that the French "with the help of the neutrals" would master Nova Scotia, and overrun New Hampshire and the mast-bearing country. He repeatedly (May 10, June 18, 1746) advised a removal of the Neutrals as the only measure which would give the needed security; and Knowles (November 21) concurred with him as to the necessity of that step. Bollan (April 11, 1754) in a memorial to the King prayed him to "be graciously pleased to consider whether the safety of your Majesty's American empire does not require that the French be removed" from Nova Scotia. Shirley's urgent representations respecting "the expediency or rather necessity" of not only "dispossessing the French of their forts in the north end of the Bay of Funda," but of "expelling them out of Nova Scotia," were renewed as time went on. (Dec. 8, 1754.)

The present exigent posture of affairs precipitated the adoption and execution of the scheme. In the British State Paper Office is a manuscript in some fifty pages, entitled

"A True Copy of the proceedings of his Majesty's Council of the Province of Nova Scotia, in regard to sending the French inhabitants out of the said Province." The following are extracts from it: —

"Council holden at the Governor's house in Halifax, July 13, 1755. Admirals Boscawen and Mostyn present, and gave it as their opinion that it was now the properest time to oblige the said inhabitants to take the oath of allegiance to his Majesty or to quit the country."

Council, 25th July. Thirty deputies "declared that they appeared in behalf of themselves and all the other inhabitants of Annapolis River; that they would not take any other oath than what they had formerly taken, which was with a reserve that they should not be obliged to take up arms, and that if it was the King's intention to force them to quit their lands, they hoped that they should be allowed a convenient time for their departure." The Council averred "that they had always secretly aided the Indians, and many of them had even appeared openly in arms against his Majesty," and said that "affairs were now at such a crisis in America that no delay could be admitted," and it was resolved to "be most proper to send them to be distributed amongst the several colonies on the continent."

August 11, Lawrence sent to the Colonial Governors a circular representing that the Nova Scotians had been "permitted to remain in quiet possession of their lands upon condition they should take the oath of allegiance within one year after the

ure. But the English commanders seem to have deliberately decided that it was demanded by an imperative necessity, and the degree of annoyance to the actors which its execution involved was such as they cannot be imagined to have been willing to encounter except for overbearing reasons.<sup>1</sup>

On a set day the men were summoned to assemble at the chief places of their several districts, there to learn

treaty of Utrecht. . . . With this condition they have even refused to comply without having at the same time from the Governor an assurance in writing that they should not be compelled to bear arms in defence of the Province, and with this General Phillips did comply. Of which step his Majesty has disapproved, and the inhabitants pretending therefrom to be in a state of neutrality . . . . have continually furnished the Indians with intelligence, quarters, provisions, and assistance in annoying the government, and while one part have abetted the French encroachments by their treachery, the other have countenanced them by open rebellion, and three hundred of them were actually found in arms in the French fort at Beau Séjour when it surrendered."

In the British State Paper Office ("America and West Indies," LXXII. 65), attached to a letter of Deputy-Governor Hamilton, of June 30, 1760, is a very affecting memorial of Acadians "now residing in the Province of Pennsylvania," in which they say: "It cannot be expected but that amongst us, as amongst other people, there have been some weak and false-hearted persons susceptible of being bribed by the enemy so as to break their oath of fidelity."

<sup>1</sup> "Since my last of the 18th of July, 1755, the French Deputies of the different Districts have appeared before the Council to give a final an-

swer to the proposal made them of taking the Oath of Allegiance to his Majesty, which they persisted in positively refusing, and tho' every means was used to point out to them their true interest, and sufficient time given them to deliberate maturely upon the step they were about to take, nothing could induce them to acquiesce in any measures that were consistent with his Majesty's honour or the security of his Province.

"Upon this behaviour the Council came to a Resolution to oblige them to quit the Colony, and immediately took into consideration what might be the speediest, cheapest, and safest method of giving this necessary resolution its intended effect. We easily foresaw that driving them out by force of Arms to Canada or Louisburg would be attended with great difficulty, and if it had succeeded would have reinforced those Settlements with a very considerable body of Men who were ever universally the most inveterate Enemies to our Religion and Government, and now highly enraged at the loss of their Possessions. The only safe means that appeared to us of preventing their Return or their collecting themselves again into a large Body was distributing them among the Colonies from Georgia to New England." (Letter of Lieutenant-Governor Lawrence to Secretary Robinson, from Halifax, Oct. 18, 1755.)



the royal pleasure respecting the disposal of their people. We have a particular account of the proceedings at Grand Pré, where Winslow had command, the centre of a settlement of nearly two thousand persons. The pitiless doom was announced to the men of Grand  
<sup>1755.</sup>  
<sup>Sept.</sup> Pré in their church, where, unapprehensive of any such calamity, they had been brought together and surrounded. First the young men were marched down to the transports, then the old, then the women and children. For want of means of transportation, they were allowed to take nothing of their property but money, clothes, and household furniture. Their lands, houses, and farming stock were adjudged to be forfeit to the King, and their buildings were burned after the embarkation, that there might be no shelter for any who should stray back. About fifteen hundred went off with Winslow's command. The whole number of persons thus miserably exiled was reported to the home government as being little less than seven thousand.

It would be unreasonable to suppose any intention of an inhumanity which would have been useless as well as hateful, when it is added that, in the haste and disorder of the proceeding, there occurred separations of families, whose members, in the imperfect intercourse subsisting between the Colonies at that day, passed years, or their whole lives, in vainly seeking for each other. The exiles were anything but welcome in New England. Their support was an uninvited burden, and their presence, by reason of national and religious animosity, was a vexation and offence. At the beginning of winter a thousand of them were brought to Massachusetts, as unexpected as undesired. Their removal had not been made under colonial authority, and there had been no arrangement for their reception and maintenance. The General Court, after some delay, passed a resolve, permitting them all to be landed, and directing them to be distributed among

interior towns, there to be employed in getting their living under the superintendence of the local magistrates. Many elderly and infirm people, and such as had been of the wealthier sort, received gratuitous support. It was proposed to them to settle in a body on some of the Province lands; but they refused, expecting confidently to be restored to their homes when peace should be made. Thomas Hutchinson, now a Counsellor, interested himself in their behalf, and prepared for their signature a memorial to the British government, praying for restoration to their homes or a just pecuniary indemnity. This he undertook to have favorably presented at court; but on consideration they decided not to proceed with the application, apprehending that it might prejudice them with the French government.

Though their worship with their families, and even in larger assemblies, was not interfered with, they were interdicted from the presence of priests of their persuasion; and this, with their feelings, was the last aggravation of misery. Some got away to the West Indies; some to Canada, where, however, their reception greatly disappointed them; and some even as far as the Falkland Islands, by Cape Horn. In the desperation of their homesickness, a number of those who had been conveyed to the southern Colonies built boats, and in them crept along the coast from Carolina and Georgia as far as Massachusetts, where they were stopped in consequence of a message from the Governor of Nova Scotia, who had information of their proceeding. These, ninety in number, were, like their friends who had come earlier, dispersed among the towns.<sup>1</sup>

When, four years after the catastrophe, Wolfe was before Quebec, he considered himself to have so good intelligence of a correspondence kept up

1759.

<sup>1</sup> Shirley to Secretary Fox, Sept. 4, he says, "they would have proved to 1756. Had they reached Nova Scotia, that government worse than Indians."

between the exiles and the French authorities in Canada, that he wrote urgently to the Governor of Massachusetts upon the subject. When peace at length took place, some had become reconciled to a permanent residence where they were; but most of the survivors, their movements being no longer obstructed, removed to Nova Scotia or to Canada, where their posterity exists to this day.<sup>1</sup>

It was while the forces from Massachusetts were making their descent on Nova Scotia, that the Baron  
<sup>1755</sup>  
<sup>June.</sup> Dieskau came to Quebec to assume the command of the troops. He was to have led to Lake Ontario an expedition which in his judgment promised great results, when suddenly news reached the capital that a force of English and Indians, destined for an assault on Crown Point and ultimately on Montreal, had already reached the *portage* between Lake George and the Hudson. This was in fact a force of rather less than three thousand men, — Massachusetts and Connecticut militia, with a few from New Hampshire, — who, having been joined by some Indians at Albany, were on their way to Crown Point on Lake Champlain, where the French, twenty-five years before, had built a fort to command the way between Montreal and the English settlements. The command of this army had been given by Governor Shirley to William Johnson, on account of his influence over the Indians. Johnson was by birth an Irishman; a nephew of Warren, who commanded the naval force at Louisburg. While young he had settled in the Colony of New York, a little west of Schenectady, and engaged in a traffic with the natives. This, at the same time that it proved profitable to himself, led to friendly relations with them, which were cemented when he married a daughter of

<sup>1</sup> Winslow's Journal, containing in the library of the Massachusetts Historical Society.

Brant, a Mohawk chief. Under him, Major-General Phin-eas Lyman, of Connecticut, commanded the New England troops; Ephraim Williams, who by his will, executed on his departure for the campaign, became the founder of Williams College,<sup>1</sup> was a colonel; Seth Pomeroy, who had served with distinction at Louisburg, a lieutenant-colonel; Stark, afterwards of Revolutionary fame, a lieutenant; and Israel Putnam, a soldier in the ranks.

The troops, to the number of about twenty-two hundred whites and three hundred Indians, had reached Wood Creek, at the southern end of Lake Champlain, and were lying there encamped, so secure as not even to have thrown up intrenchments, when Dieskau came up the lake with three hundred regulars, six hundred Canadians, and as many Indians. This is his own account of his force, which the English accounts represent to have been much larger. He was confident of success, having been informed, as he records in a manuscript account of the affair which has been preserved, that "the New England men were such poor soldiers that an Indian would make ten of them run." His intention was to reach the rear of the camp of the English, and attack Fort Edward, at the landing on the Hudson, where was the chief depository of their ammunition and stores. But this his Iroquois allies suddenly, and to his great vexation, refused to aid in, on

<sup>1</sup> Williams College was chartered in 1793. The first College Class, numbering four, received degrees in 1795.

The College has never been denominational, but its boards of government and of instruction, and the greater number of its students, are connected with Congregational or Presbyterian Churches. It has never had professional schools attached to it. Under its first three Presidents, the annual number of its graduates was about twenty. Under the long administration of Dr. Hopkins, the

fourth President, the average annual number of graduates about doubled. It is now not far from fifty.

Of the something more than three thousand graduates of the College, upwards of nine hundred have become clergymen, eight hundred lawyers, four hundred teachers, and three hundred physicians; of these four hundred teachers, twenty-six have become presidents of Colleges, and over one hundred, professors. Upon its roll of graduates appear the names of President Garfield, of the poet Bryant, and of the linguist Whitney.

some pretence that the fort was on English soil, while the site of the camp was French.

Thus obstructed, he had no resource but to attack the camp, which had been surprised, meanwhile, with tidings of his approach.<sup>1</sup> The English began hastily to fell trees and build a breastwork, while a thousand men, under Colonel Williams, were sent to reinforce the garrison at Fort Edward. Falling into an ambush, this party sustained a defeat, with the loss of Colonel Williams, and of Hendrick, the chief Indian commander. Dieskau thought that they would all have been cut off, but for the treachery of his Iroquois, who, instead of keeping silence, as they had been ordered, fired into the air, and discovered the ambush, as the combatants approached. The survivors fought their way back to their friends, who meanwhile had made diligent use of their time in preparations for the expected onset. The too confident French general met a reception at the camp far different from what he had been taught to look for. The New England marksmen, behind their intrenchments of logs, thinned the ranks of the assailants with deadly aim. Two or three cannon, served with more activity than skill, discouraged the Canadians and Indians. After an obstinate conflict of four hours, beginning at noon, the French began to waver, and the New England men, issuing with shouts from their rude work, chased the discomfited enemy through the forest, laying about them with the butts of their muskets. The rout of the fugitives was made complete when they fell in with a body of rangers which had been despatched from Fort Edward to fall upon their rear.<sup>2</sup>

<sup>1</sup> At a "Council of War held Aug. 22 by the Hon<sup>ble</sup> Major Johnson" at the "camp at the great carrying place," it was resolved to send back for reinforcements, and at the same time to proceed with the march. (British Colonial Papers.)

<sup>2</sup> September 26, Governor Fitch, of Connecticut, writing to Partridge, agent of that colony in London, speaks of this battle as "the severest that hath been in this country."

In reward for the services of Johnson, who was wounded and left the field at the beginning of the action, and who had very little to do with the victory, which was won by the New England troops, he was made a baronet of Great Britain, with a gratuity of five thousand pounds.<sup>1</sup> The loss of the Americans was about two hundred, killed and wounded. Almost all Dieskau's regulars fell. He himself is erroneously said in the histories to have been mortally wounded. He received five wounds, one of them very severe, but escaped with his life, was carried prisoner to England, and finally was liberated at the peace, and returned to France, where he lived some years.<sup>2</sup> Before leaving his camp at the southern end of

<sup>1</sup> Secretary Fox to Johnson, March 13, 1756. The Secretary at the same time informed him that the King had made him a colonel, and sole agent and superintendent of affairs with the Six Nations and other Northern Indians, with a salary of six hundred pounds a year. The preceding November 11, Secretary Robinson had written to Johnson, commending his conduct in this campaign, and that of the New England colonists for their readiness in furnishing troops. The same day he addressed letters to the several Governors of New England, assuring them that the courage and public spirit of their people should be fully represented to Parliament, with recommendations for grants of supplies.

<sup>2</sup> I translate a few paragraphs from a manuscript of Dieskau, which was obtained by Mr. Sparks in Paris, the same from which I have already quoted. I begin at the point in the narrative where the General, having received his fourth wound, was lying helpless against a tree:

"Having remained in this situation," he says, "about half an hour, I saw, ten or twelve paces off, one of the enemy's men lying facing me

behind a tree. I made signs to him not to fire; but fire he did, and his ball passed through the flesh of both my thighs. At the same time he called out to me, in good French, to surrender. I said, 'You wretch, what are you firing for? You see a man stretched on the ground and bathed in his blood, and you fire at him!' 'Oh,' said he, 'how do I know that you have not a pistol? I would rather kill the Devil than have the Devil kill me.' 'You are a Frenchman,' I said. 'I am,' said he; 'I deserted from Canada more than ten years ago.' By that time several others came about me and began to strip me. I persuaded them to carry me to their general, who, on learning who I was, had me placed on his own bed, and sent for surgeons, and, though wounded himself, ordered them to dress my wounds first. A little while after, there came into the tent several Indians, who looked furiously at me, and talked with him a long while in a very animated way. When they had gone, I said to the General, 'These people do not look at me with a very compassionate expression.' 'Far from it!' said he; 'they want to take you from me to

Lake George, Johnson built there a poor wooden fortification, to which he gave the name of Fort William Henry.

Besides the expeditions against the French on the Ohio, in Nova Scotia, and at Crown Point, the convention of Governors held on Braddock's arrival had laid out a plan for the capture of Fort Niagara, at the western  
 1756. end of Lake Ontario. The execution of this was undertaken by Governor Shirley, whose military capacity still continued to be highly estimated by those about him and by the British government scarcely less than by himself. His own regiment and the regiment of Sir William Pepperell (both of regular soldiers) were employed in this expedition.<sup>1</sup> His destination was in the first instance to Oswego, where the river of that name enters Lake Ontario at its southeast corner. His progress up the river Mohawk and down the Oswego was slow, and when he arrived on the shore of the lake he found his stock of provisions so reduced as to make it necessary to await a supply before

burn you, to avenge the death of their comrades, and particularly of three chiefs killed in the fight; and they threaten to leave me if I do not give you up. But do not disturb yourself. You are safe in my hands.' Some time after, the same Indians came into the tent again; their conversation, earnest at first, seemed by degrees to become more calm, till finally they came and offered me their hands, in sign of friendship, and withdrew. The General then told me that he had made my peace with them, and that they had given up the plan of burning me. I said to him, that being wounded himself he could not but find me in his way, and I wished he would have me conveyed elsewhere. 'I am afraid to as yet,' said he; 'these rogues would butcher you. They must have time to get some sleep first.' Accordingly, about eleven o'clock at night, I was

carried, under an escort of a captain and fifty men, to the tent of a colonel, where I passed the night, the sentinels having orders to let no Indian come near me. Notwithstanding, the next morning one of them presented himself; and the guard, seeing that he was unarmed, let him in, when he immediately drew a sabre from under his blanket, and would have sabred me, had not my host, the colonel, thrown himself upon him, disarmed him, and pitched him out. I remained nine days in the English camp, when General Johnson had a litter contrived to convey me to his house at Orange, from which place, after four weeks, I was able to go to New York."

<sup>1</sup> On leaving Massachusetts, the Governor was approached by the Legislature (June 28) with an Address expressed in cordial terms of esteem and confidence.



venturing on a further advance. He had with him about fifteen hundred troops, nearly all of them regulars. Fearing that an attack might in his absence be made from Frontenac (Kingston), on the opposite side, he determined to leave two thirds of his force for the security of Oswego, while with the rest and with the necessary siege artillery he should proceed on the lake to Niagara. Heavy rains set in, which delayed the movement for three weeks, as four hundred men were to be transported in open boats. Meanwhile the Indian guides became discouraged; sickness spread in the camp; and in a council of war it was unanimously resolved to put off the undertaking to the following year, to build works for the security of Oswego and garrison it with seven hundred men, and to withdraw the rest of the army into quarters at Albany. The beginning of Shirley's military career had been prosperous to a surprising degree, but now all was disappointment and gloom. The failure in the northwest and the great disaster before Fort Duquesne were ill-compensated by the recovery of Nova Scotia and the repulse of Dieskau on the lakes. Massachusetts again had exerted herself far beyond her financial strength. On the expedition to Crown Point alone, she had spent a liquidated sum of eighty thousand pounds, besides the cost, not stated, for the care of sick and wounded soldiers of the garrisons of the two forts by Lake George.<sup>1</sup>

At Albany, on his return thither, Shirley received from the Lords Justices (the King being then on the Continent) a commission constituting him successor to General Braddock as Commander-in-Chief of the forces in North America. The promotion, bestowed before his recent miscarriages were known in England, might seem worthy to fill the largest measure of his ambition. He summoned

<sup>1</sup> In his memorial to the King, of the inhabitants of Massachusetts April 11, 1764, the agent Bollan said: Bay, able of body to bear arms, be-  
"In the late war near one-third part came your Majesty's soldiers."



1755.  
Dec. 12. the Governors of all the Colonies to a conference at New York, but was met there by only the Governors of Connecticut, New York, Pennsylvania, and Maryland. The result of their deliberations was that the campaign of the next year ought to proceed upon an enlarged scale ; that a force of not less than ten thousand troops should be employed against Crown Point, six thousand against Fort Niagara, and three thousand against Fort Duquesne ; and that, if so much more should prove feasible, two thousand men should cross from the upper waters of the Kennebec to those of the Chaudière, and assault or alarm Quebec. Shirley had a plan of his own for a winter expedition against Crown Point ; but the snow on which he depended for facility of transportation did not fall, and, relinquishing the project, he returned to Massachusetts, to push an application for that large pecuniary supply which was the indispensable condition of further progress in the war.

The plan of operations for the next year, which had been agreed upon by the Governors, was not favorably received by the General Court of Massachusetts. The expense which it would bring upon that Province was said to be of an amount altogether unmanageable. The most which the Court would consent to do was to raise the Province's quota of men, if the Governor would make present provision of money sufficient for the pay of the soldiers who had been in the field the last year, and for bounties for the enlistment now contemplated. The Governor acceded to the proposal so far as to lend the Province thirty thousand pounds of the King's money, entrusted to him as Commander-in-Chief, — the loan to be reimbursed from any allowance which should be made by Parliament, or, failing such allowance, from the avails of colonial taxes to be laid and collected in the next two years. On the strength of this arrangement, the Province voted to raise thirty-five hundred men for service against Crown Point,

and Shirley recalled Winslow from Nova Scotia to take the command. But the service was unpopular, and enlistments went on slowly, notwithstanding the inducements of a bounty on the one hand, and the apprehension of impressment on the other; so that, so late as the end of summer, scarcely three thousand men had been mustered.

The session of the General Court having terminated, Shirley returned to his camp at Albany. Here <sup>1756.</sup> he received notice of being superseded as Com- <sup>June.</sup> mander-in-Chief by Colonel Webb, who was to hold that place "till the arrival of the Earl of Loudoun or General Abercrombie."<sup>1</sup> "This is not owing," wrote Secretary Fox, "to any dissatisfaction with your services; but on the contrary, it is the King's intention, as a mark of his royal favor, to appoint you to be Governor of Jamaica, in the room of Admiral Knowles, who has desired leave to resign." In a few weeks Shirley returned to Massachusetts, having meanwhile received orders to repair <sup>Aug. 9.</sup> to England. The tide which leads on to fortune had lifted him high, but had very speedily turned. From the recent experience of his conduct on the Great Lakes, the English Ministry had come to entertain a different view of his military ability from that which was taken by the General Court of Massachusetts, who had lately extolled it in strong language, perhaps in rivalry with the Legislature of New York, whose favorite officer was Sir William Johnson. Johnson and Shirley were no longer on friendly terms, and their disagreements had reached the knowledge of the Board of Trade, with whom Johnson had come to to be in high favor.<sup>2</sup> "I greatly dislike," wrote Lord

<sup>1</sup> Webb I take to have been a nephew of the gallant general of that name who served under Marlborough in Flanders. It was, I believe, after his failure in America that Loudoun was employed in Portugal.

<sup>2</sup> At least as early as the time of Shirley's appointment to be Com-

mander-in-Chief, Johnson had become disaffected towards him. Nov. 27, 1755, the Board of Trade sent to Secretary Fox a letter from Johnson dated at Lake George, September 3, complaining of transactions of the Governor with the Five Nations. In these Shirley had employed one Ly-

Halifax, President of that Board, to Governor  
<sup>1756.</sup>  
<sup>March 31.</sup> Hardy, of New York, "his [Shirley's] present  
<sup>April 1.</sup> behavior in his Province;" while he wrote at the  
 same time to Shirley: "His Majesty's ministers . . . .  
 think it expedient that as soon as Colonel Webb has  
 superseded you in your military command, you should  
 immediately return to England, in order to be consulted  
 on several points relative to his Majesty's service and the  
 operations of the ensuing campaign."

When the Governor took his departure, the General  
<sup>Sept. 25.</sup> Court expressed their esteem for him in the most  
 cordial and earnest language. He never again  
 held office in Massachusetts. After hanging about the  
 Court a little while, he was made Governor of the Bahama

dius, making him "a colonel over the Indians," Johnson said, though the Indians disliked him. Hendrick, the Indian chief, had affirmed that Shirley had "said at the Upper Mohawk Castle that I [Johnson] was an upstart of his creating, and that he would pull me down," &c. "I am sensible that Governor Shirley has in many respects been an active and useful servant to the Crown, though I have reason to think he does not wear power with generous ease and true dignity." And he concludes by saying that he prefers to withdraw from the service unless he can be made independent of Shirley.

Treasonable letters to the French Count de Mirepoix fell into the hands of Lord Halifax, which he (Letter of Halifax to Sir Charles Hardy, of March 19, 1756) believed to have been written by Lydius. "How such a fellow as Lydius came to be employed last year by Mr. Shirley is matter of astonishment." The whole letter indicates great uneasiness as to Shirley.

Webb received his instructions, March 15, to "proceed to North

America." He was to "press Sir William Johnson to get as great a body as possible" of Indian auxiliaries. March 31, Secretary Fox wrote to Shirley to lose no time in coming to England. A frigate was sent to fetch him, for the greater despatch. "Washington, I find by private letters, is to command to the westward, but I don't know authentically, Mr. Shirley never having acquainted us of his having appointed anybody to such a command, which to me appears very extraordinary. I know nothing of Mr. Washington's character, but that we have it under his own hand that he loves the whistling of bullets, and they say he behaved as bravely in Braddock's action as if he really did. . . . No suspicion at all attends Mr. Shirley, but many particulars of the last year's transactions are highly disapproved. . . . His fomenting disputes, promoting ineffectual inquiries, and countenancing a paper war against your Province [New York], are ill adapted to the complexion of the times, and the benefit of his Majesty's service." (Halifax to Governor Hardy, March 31.)

Islands.<sup>1</sup> Retiring from that office, he came to establish in Roxbury a home for his old age. But he occupied it only a year, at the end of which time he died.

1771.  
April.

<sup>1</sup> In the year 1765 was published in London a volume *de l'uze* containing two poems, "Electra, a Tragedy, by William Shirley," and "The Birth of Hercules, a Masque," without the writer's name. They have been ascribed to Governor Shirley as the author; but, I have no doubt, erroneously. It is improbable that, if the work was his, his military rank should not have appeared on the titlepage. The former of the poems has a dedication to Lord Chesterfield, and an address "To the Reader." in which it is next to impossible that the Governor should have made no allusion to his American career. "The following tragedy," says the address, "was begun to be written in 1744, and finished early in the succeeding spring," — a time when the Governor was too busy about Louis-

burg to have leisure for such a composition; and it was not till after that date that the author was "engaged in business abroad," whereas the Governor was abroad, i. e. in America, from 1731 to 1749. Finally, on a fly-leaf of a copy in our University Library, there is a note in the handwriting of Thomas Hollis, which attributes the work to "William Shirley, Esq., lately a Lisbon merchant, an ingenious public-spirited gentleman." Hollis was too well acquainted with New England, and with the Governor's career there, to describe him in these terms, especially in sending a book to Harvard College. The writer may have been the Governor's son of the same name, who in 1746 was in London. (See above, p. 82, note.)

## CHAPTER XII.

SPENCER PHIPS, who at this critical time came again  
1756. to the head of the administration of Massachusetts,  
Sept. was now advanced in years.<sup>1</sup> He was a man of  
good intentions, and of experience in public business, but  
of no more than moderate abilities. His adoption by his  
childless uncle had given him a fortune, and with it a  
consequence which in other circumstances would not have  
belonged to him. He had been Lieutenant-Governor  
twenty-four years, and had previously been several years  
a Counsellor.

The state of things was now most discouraging and  
most mortifying. The population of the New England  
Colonies alone outnumbered that of the northern posses-  
sions of France in America in the proportion of more than  
four to one. The English were probably as much richer  
than the French, as they were more numerous. Yet a  
succession of casualties had been so adverse to them, and  
their position — distributed as they were into different  
communities, inapt for joint action and not seldom jealous  
of one another — was so ineffective for war compared with  
the condition of their enemies, controlled by a single ab-  
solute head, that they were not only exposed as much as  
ever to murderous inroads upon their extended frontier,  
but had no little reason to fear that devastation would be  
carried into the heart of their country. Not New York

<sup>1</sup> I do not know the date of his birth; but he took his bachelor's degree  
at Harvard College in 1703.

nor even Boston could be said to be more secure than Montreal or Quebec.

Notwithstanding the continued hostilities in America, it was only a few months before Shirley's departure from Massachusetts that the King of <sup>1756.</sup> May 17. England declared war against France. The relation between the two nations immediately preceding this time cannot be characterized in a word. It was not avowedly belligerent, and certainly it was not pacific. In India the peace of Aix-la-Chapelle had scarcely suspended hostilities, and from the appearance of Robert <sup>1751.</sup> Clive upon the scene they had been waged with vigorous activity. A year before the declaration, two English ships of war fired into and captured two French frigates off the coast of Newfoundland. The movements of Braddock in Virginia, and of Monckton in Nova Scotia, were made under express orders of the British Ministry, and the New England expedition against the French fort at Crown Point had been arranged at a conference of American Governors with the officers in command of the British forces by land and sea.<sup>1</sup> After the formal declaration of war, the Earl of Loudoun was named Commander-in-Chief in Shirley's place. It has been told that the plan of the year's campaign, as it had been determined in the last year's conference at Alexandria, was for three thousand men to be employed against Fort Duquesne, six thousand against Fort Niagara, and ten thousand against Crown Point, while two thousand were to create a diversion by approaching Quebec by the route of the Kennebec and the Chaudière. General Winslow, on taking command of the force destined for Crown Point, found it only two thirds as large as had been promised. The English General Abercrombie, temporarily commanding in chief, having brought a reinforcement of regular troops, a question arose as to the relative rank of royal

<sup>1</sup> See above, p. 129.

1755. and provincial officers, which delayed operations,  
 July 29. and which was scarcely composed before Lord Loudoun came and assumed the command.

He had no sooner done so, than he received intelligence which, besides its own painful import, deranged the whole scheme of the campaign. The Marquis de Montcalm had succeeded Dieskau in command of the French troops. He led a force of five thousand men, including Indians, against Oswego, where Shirley had left, under the command of Colonel Mercer, his own regiment and Pepperell's, consisting together of fourteen hundred men. Montcalm had brought a formidable park of siege artillery. The English were short of ammunition. Their commander was killed, and the garrison capitulated. Thus the conclusion of the costly operations in that quarter had been to re-establish the power of the enemy on the upper lakes, and, what was of the most serious importance, to institute an alliance between them and the Six Nations, who had now lost their confidence in the English power.<sup>1</sup> Montcalm might be expected to show himself before long on Lake Champlain, where Crown Point and Ticonderoga still remained

<sup>1</sup> So wrote Pownall to Pitt, Dec. 28, 1757. According to a French letter endorsed by the Governor as having been "taken by Capt. Crackie in the King of Prussia privateer and sent to Gov. Pownall," after the taking of Chouagens (Fort Oswego), delegates came from the Five Nations to Chouagens, where, being cordially received, they remained nearly two months, and gave assurances of future hostility to the English; "the [French] soldiers, who found nothing to pillage in the fort, were not satisfied with the capitulation, and lying in wait for the English on their retreat plundered the greater number." Many savages came to Montreal with their prisoners, "et pour célébrer

d'une manière digne d'eux la fête de Notre Dame, ils en ont mis une demi-douzaine en pièces, dont ils ont fait chaudière haute, et en ont poussé la barbarie jusqu'à pousser tous leurs autres prisonniers d'en manger." These cruelties, the Governor says, are not to be prevented, except by paying a very high price for the ransom of the captives. A savage sent from Fort Edward to Fort William Henry was taken by the Iroquois, and they tore him to pieces "pour en faire festin. Comme ils l'écartelaient," a little leaden globe fell from his body, in which was a letter, promising from General Webb relief in a day or two if they would hold out.



defiant. Loudoun arrested Winslow's expedition against Crown Point, and the troops between Lake Champlain and Hudson River remained inactive till they went into winter quarters.

The following year, Lord Loudoun adopted a new plan of operations, to be carried out with the help of four thousand fresh troops, which, in a council held at Boston, he had engaged the New England Governors to supply. Having information of the arrival at Halifax of a powerful fleet from England and an army five thousand strong, he left New York with six thousand men, <sup>1757.</sup> <sup>July 6.</sup> intending to use the whole force in a descent on Louisburg. The undertaking came to nothing. Learning at Halifax that there were at Louisburg seventeen French line-of-battle ships and a force of regulars more than half as great as his own, he lost no time in returning to New York.

Montcalm had turned the English general's absence to good account. He came up Lake Champlain with an army of eight or nine thousand men, including two thousand Indians. Fort William Henry was held by a brave officer, Colonel Monro, with a force of two thousand soldiers. General Webb with four thousand more lay at Fort Edward, on the Hudson, less than twenty miles off; but, despairing of effectual resistance, he afforded the unfortunate garrison no aid. Montcalm disembarked his troops without interruption, and summoned the fort to surrender. <sup>August.</sup> This being refused, he formed a regular siege, and, pushing up his artillery, so disabled the English batteries, that on the fifth day from the summons Monro capitulated, his ammunition being nearly spent. It was stipulated, with the concurrence of the Indian chiefs, that the prisoners should march out with the honors of war under a parole not to serve against the French for eighteen months, and that they should be protected by a guard on their way towards Fort Edward.



Sensible of the danger from the savages, Montcalm tried to keep from them the means of intoxication ; but they contrived to elude him, and, becoming crazed in the course of the night, they fell upon the English when at dawn they were put in motion, and began an indiscriminate massacre. The French officers defended their prisoners to the best of their power, but it was little that they could do against the drunken assassins. Most who escaped owed their safety to a precipitate flight into the woods, from which, through many hardships, they straggled to Fort Edward. Some saved themselves by a return to the French camp. In such catastrophes blame is apt to be imputed without reason. There was at the time a complaint, but it does not appear to have been satisfactorily sustained, that the promised guard was not furnished by the French.<sup>1</sup>

The intelligence of the capture of Fort William Henry spread dismay through the northern Colonies. No fewer than twenty thousand of the militia of Massachusetts were presently in arms under Pepperell's command. But Montcalm did not pursue his advantage, though it would seem that he might have hoped by a vigorous movement to push his way into the heart of New England. Webb, who watched the path, was an incompetent officer, no match for the gallant Frenchman, and his recent display of imbecility discouraged the hope of his offering any effectual resistance at the next step. Montcalm's inactivity at this conjuncture, so alien from his general character, awakens surprise and curiosity. The explanation of it appears to be furnished in the journal,<sup>2</sup> lately brought to light, of a priest who accompanied a party of his Abenakis converts to the war. He relates that most of the French Indians dispersed immediately on the fall of

<sup>1</sup> But see, for confirmation of it, " Green Mountain Freeman " of R. I. Rec., VI. 84, 155. March 2, 1854.

<sup>2</sup> The paper was published in the

Fort William Henry. "Twelve hundred men," he adds, "were employed in demolishing the fort, and nearly a thousand in transporting the immense stores of ammunition and supplies which we had captured. There was hardly a handful of people left to face the enemy, had he undertaken to assume the offensive."<sup>1</sup>

Just at the time of this disaster, Thomas Pownall, brother of the Secretary of the Board of Trade, <sup>1757.</sup> brought to Boston his commission as Governor of <sup>Aug. 8.</sup> Massachusetts. Having come out to America as secretary to Sir Danvers Osborne, Governor of New York, he had in the first place attached himself to the interests of the then all-powerful Shirley. Subsequently he deserted Shirley, and became the friend of his detractors, Lieutenant-Governor De Lancey and Sir William Johnson. He was promoted to be Lieutenant-Governor of New Jersey, and still held that office when he came to Boston. In Massachusetts he superseded the Council, which by a provision of the charter was the supreme executive authority when there was a vacancy in the two higher offices. Lieutenant-Governor Phips had been dead four months when Pownall came to Boston.

One of Pownall's first acts was to commission Pepperell as Lieutenant-General of the forces of Massachusetts. That officer, with a quarter part of the militia of the Province, had already been sent to Springfield with general instructions to protect the western frontier, and in particular, if the enemy should advance, to break the wheels of all wagons on the other side of Connecticut River, and to send all horses and provisions into the in-

<sup>1</sup> The writer supplies another fact, — that the Indians massacred the wounded prisoners in the hospital. "I was a witness," he says, "of this. I saw one of the savages come out of a casemate, where nothing but an insatiable thirst of blood could have taken him, so insupportable was the foul air which it exhaled. He carried in his hand a human head, from which flowed streams of blood, and which he exhibited with as much joy as if he had seized the richest trophy."

terior towns. But this vigilance was superfluous while, in consequence of his losses by desertion, Montcalm was left inert upon Lake Champlain. Pownall wrote to Webb, that he had been injudicious in suffering an alarm to go abroad from his camp, and that his plans of defence, inefficient and costly, had better be changed for an aggressive movement, to which he (the Governor) might be relied upon to give all possible support.

Lord Loudoun had reason to be out of humor with himself; but he allowed his irritation to lead him into a quarrel with Massachusetts, his most trustworthy friend. The General Court, having learned from the Governor that a Highland regiment was on its way to Boston, ordered barracks to be provided for it at the Castle. Some officers of other regiments came at about the same time, and applied to the justices to quarter them on the inhabitants in the manner prescribed by an Act of Parliament. The justices declined to do so, on the ground

1757.

Nov. 15.

that the Act did not extend to the Colonies. Lord Loudoun was furious. He wrote from New York to the Governor that there were at his disposal a regiment of regulars in Connecticut, another on Long Island, another at New York, and two in Pennsylvania, and that he would march them all to Boston, unless the requisition was immediately complied with; and his messenger was ordered to remain only forty-eight hours for a reply. The Governor submitted the letter to the General Court. The Court, after three or four days' consideration, instead of acknowledging the Act of Parliament to be binding upon their constituents, passed an Act of their own, making similar provisions for the troops. This they transmitted to the Commander-in-Chief. Lord Loudoun stormed, and insisted that the General Court had no concern with the affair. The Court stood firm, and sent a message to the Governor affirming their opinion that the Act of Parliament in question did not affect the planta-

tions, and that, as to the customs of war which Lord Loudoun had appealed to, the civil magistrate could not recognize them except as instructed by his own Legislature. The Commander-in-Chief accepted the provision of quarters, and gave up the dispute.<sup>1</sup> It would not have recommended him to the favor of his new masters at home, to nurse a quarrel with the Province on whose friendship they largely depended to carry out their comprehensive projects.<sup>2</sup>

There was an unfortunate incident of the transaction. The General Court, eager to preserve concord when so much was at stake on both sides, and perhaps too carelessly trusting to their favorite, Hutchinson, whose ambition and insinuation were already making him dangerous, included in their Address, prepared by him, some expressions which created embarrassment in later times. "The authority of all Acts of Parliament," they said, "which concern the Colonies and extend to them, is ever acknowledged in all the courts of law, and made the

<sup>1</sup> The Governor wrote to Pitt (Jan. 18, 1758) that both Lord Loudoun and the General Court had been dissatisfied with his action in this matter. "But now," he says, the General "approves the prudent measures taken to prevent their infringing the rights of the Crown, and the Legislature here do now in their message sufficiently express their sense of the regard I have to the people." Two days after, he proposed to the Minister a plan for occupying and securing by forts the whole of the Penobscot country. He said he had "mentioned it to no one soul here except Mr. Hutchinson, one of the Council, without whom nothing of any real service was ever formed here." In this year Hutchinson was appointed Lieutenant-Governor, which office he held for the next thirteen years. Andrew Oliver was at the same time made Secretary,

succeeding the venerable Simon Willard, who died Dec. 6, 1756.

<sup>2</sup> For once, and once only, the Provincial General Court tried its hand this year at legislation of the kind which has so often flattered expectation and so often disappointed it. In the month of August a Bankrupt Law was passed, which aimed, like other essays of the kind, to give at the same time relief to the debtor and a reasonable degree of protection to the creditor. "Several of the principal merchants, and others trading to and interested in the Province," were admitted by the Lords of Trade to a hearing in opposition to the Act (Journals of the Board of Trade for June 6, 13, and 21, 1758); and agreeably to the advice of that Board, it was repealed by the King in Council. (Register of the Privy Council for July 7, 28; comp. Minot, History, II. 41-43.)

rule of all judicial proceedings in the Province. There is not a member of the General Court, and we know no inhabitant within the bounds of the government, that ever questioned this authority. To prevent any ill consequences which may arise from an opinion of our holding such principles, we now utterly disavow them, as we should readily have done at any time past, if there had been occasion for it." The writer of this Address, when, several years having passed, he came to refer to it as an historian, found himself prompted to insist that these were the habitual and well-considered principles of the legislators who made the declaration.<sup>1</sup> Not unnaturally the Acts of Parliament for the quartering of troops were what in this argument attracted special attention, besides that the state of things was such that, for the sake of present good-will, the Court was sorely tempted to concessions liable to prove troublesome at a later time, in circumstances which they did not now anticipate. On the other hand, the House renewed with Governor Pownall its pretension, so vigorously asserted in the time of Governor Shute, to revise the actual expenditure of moneys which had been granted; and he gave way to it, though not without reluctance, nor till after remonstrance against it, as "a breach upon the constitution of the charter, and an infringement on the rights of the Crown."

1758. In the spring Lord Loudoun came to Boston for a conference with the General Court. But the parties did not like each other, and their negotiation was abortive.<sup>2</sup> He asked for a large levy of troops. They inquired, for how long; under what officers; how

<sup>1</sup> Hutch., Hist., III. 65, 66.

<sup>2</sup> March 15, Pownall wrote to Pitt that Lord Loudoun had "withdrawn his confidence" from him. Massachusetts had invited a meeting of Commissioners from the New Eng-

land Colonies "for concerting measures for our mutual defence." But Lord Loudoun thought the proceeding "dangerous," and it was not persevered in.

to be paid and supplied; where to serve; with what additional force. An angry quarrel seemed to be impending, when an express to Lord Loudoun informed him that he was relieved as Commander-in-Chief,<sup>1</sup> and that General Abercrombie was his successor. Pitt wrote to Abercrombie, "in the greatest confidence," that the King wished "to repair the losses and disappointments of the last inactive and unhappy campaign."<sup>2</sup>

The great minister was resolved to bring about a better state of things in America. After the retirement of the Duke of Newcastle, Pitt had become one of the Secretaries of State, with the "cypher," Lord Holderness, for his colleague, in the ministry of the Duke of Devonshire. But the King, who disliked him and who did not yet understand how necessary were his services, dismissed him after four months. Pitt took no measures to avert the fall. He knew that he should rise from it the stronger; for already he was the object of the cordial confidence of the people, who did not fail to clamor loudly against the treatment he received. The King was harassed by the clumsy administration of the public business after Pitt relinquished it; and the Duke of Newcastle, whose overtures Pitt had hitherto rejected

<sup>1</sup> "I am with concern to acquaint your Lordship that the King has judged proper that your Lordship should return to England." (Pitt to Loudoun, Dec. 30, 1757.)

<sup>2</sup> "The loss of the waters and country of Ohio, the loss of Oswego and the naval power of the lakes, have entirely excluded the English from command in the continent and all power over the Indians, and have confirmed to the French the dominion of America, and command of every nation and individual Indian on the continent. . . . There is not any other step left but a general invasion of Canada. And I may add that there is a spirit in the people of

New England on which to build such a scheme, and that . . . the best yeomen, freeholders, and gentry of the country would turn out." (Letter of Pownall to Pitt, Jan. 15, 1758.) Dec. 30, 1757, Pitt, informing Abercrombie of his appointment to be Commander-in-Chief, instructed him to have a special view to the capture of Louisburg. He was "to prevail on Mr. Meserve to decline accepting the command of the New Hampshire troops," and instead, to collect eighty carpenters, "to be employed on such works as shall be necessary for the operations of the troops in the siege of Louisburg."

with civil contempt, loved office so well that at length he consented to resume it, with his vast parliamentary influence, at the price of every concession demanded by the popular favorite. The Duke became the nominal head of the Ministry, with Pitt for one of the Secretaries of State. Lord Holderness was the other, from whom, no more than from the Prime Minister, had the great statesman any further troublesome interference to apprehend.

With Pitt's accession to real power, a new energy was infused into all departments of the government. His liberal and vigorous policy for the American Colonies was successfully aimed to win confidence and so secure support; and the calamitous course of the events of the last few years was about to be turned back with a sublime impetuosity. The Colonies believed him when he professed his purpose to procure for them immediate and permanent security against the French and Indian enemy; to encourage and remunerate with liberality the arduous exertions which they were making for the common cause; and to withhold the government which he conducted from any pretensions adverse to their rights. The consequence of this generous design was seen in the imposing array of twenty-eight thousand provincial troops, of which number Massachusetts contributed one quarter part.<sup>1</sup> On the

<sup>1</sup> March 14, 1758, Pownall informed the Minister that the vote of the General Court of Massachusetts to raise seven thousand men was unanimous. "I have offered my people to go with them myself, since which I have had some of the best gentlemen in the country to offer their services, with whom the best of our yeomanry will go; so that I hope once more to see such people turn out as did when Louisburg was taken." In this month the Governor received a Memorial from officers surrendered at Fort William Henry,

praying to be allowed to go into the service, on the ground that the terms of the capitulation had been violated by the French. Colonel Frye was the first signer. "My General Court have by vote enabled me to complete them [the enrolment of seven thousand men] by impress, by a draft from the regiments of militia, which will be of every fourth freeholder training in this Province; an instance, I believe, scarce ever known before in any government." (Pownall to Pitt, April 22.)



other hand, the presence in the Colonies of twenty-two thousand regular soldiers attested that the parent country was intent on serious work. Pownall wrote to Pitt that, notwithstanding Massachusetts would have to pay seventy-three thousand pounds in the present year, and a somewhat larger sum in the next following, besides the ordinary annual expense of the government, which was thirty-seven thousand five hundred pounds sterling "exclusive of any military operations," yet the Court had voted to borrow twenty-eight thousand pounds for the approaching campaign, and that "such was the spirit of the people . . . that, upon the treasurer's opening his subscription, it was filled in twelve hours." Again he wrote, six months later, that "the military expeditions of the last three years, over and above the expense of forts, scouts, and ships," had cost the Province more than two hundred and forty-two thousand pounds, of which sum "less than a third had been reimbursed by the Crown;" that "the tax upon estates real and personal . . . arises in the town of Boston to thirteen shillings and twopence in the pound;" and that it was "a certain fact that the country had been hitherto preserved by the efforts which this Province had made. . . . This Province ever did, ever will, and ever must take the lead when a spirited measure is expected." <sup>1</sup>

But the strenuous minister had yet to find a com-

<sup>1</sup> Formerly, Pownall says, Massachusetts was the market for supplies to New York, Rhode Island, and Pennsylvania. Now "they have rose upon its ruin, and are become its rivals." Massachusetts "for many years has been the frontier and the advanced guard to all the Colonies against the enemy in Canada." Besides its burden of taxation, it had been stripped of territory annexed from it to New Hampshire, Rhode Island, Connecticut, and New

York. Though it has thus "lost the hands of war," it "yet retains still the same unvaried and unremitted spirit and hath still stood foremost in its master's service." The Colony, he said, now owed £356,930, for which it was paying six per cent interest. It would have to raise £366,698 sterling in four years, besides the cost of any new military movement. The poll-tax was two dollars and a fifth per annum.



mander fit to serve him in America. Abercrombie was a disappointment to him. As soon after receiving his appointment as the arrangements could be leisurely made, that well-intentioned but sluggish officer addressed himself to the recovery of the posts by Lake Champlain, and led thither more than fifteen thousand troops, three fifths of them provincials. Montcalm, with thirty-six hundred men, Canadians and French, awaited him at Ticonderoga, which, as a support to the fort at Crown Point, Dieskau had occupied and strengthened in his recent campaign. With his accustomed activity and skill, the French general had intrenched himself as well as his imperfect means allowed. His exterior lines were composed of piles of timber, in front of which trees had been felled, with their sharpened branches pointing outward. An incident very unfortunate and dispiriting to the English preceded the main attack. Two small parties, French and English, surprised each other by meeting in the woods at night. The French, three hundred in number, were beaten, and one hundred and sixty of them were taken prisoners. But the young Viscount Howe, in command of the English party, an officer greatly beloved by the provincial soldiers, fell mortally wounded in the skirmish. Massachusetts erected a monument to him in Westminster Abbey.

Two bridges in the way to the fort had been destroyed as the English approached. Their general, disconcerted and perplexed, took new courage when they were restored under the direction of a provincial colonel, and when his chief engineer, sent to reconnoitre the French works, reported them to be in feeble condition. The New England officers knew better, and would now have had him more considerate, as they would just before have had him more bold. Information that Montcalm was on the eve of receiving a large reinforcement, decided the English commander not to wait for cannon to force the lines, but to storm them at once with his musketeers.

1758.  
July 8.

The attack was made with desperate bravery, but against all chances of success. The English, pushing on with the bayonet, had their ranks broken among the sharpened branches of the felled trees, which made a barrier eight or nine feet in height, and, as they struggled in the net, suffered immense loss from the troops within the works, who had been ordered to reserve their fire till it could be delivered with that advantage. The carnage lasted four or five hours, during which time the English lost in killed and wounded between nineteen hundred and two thousand men, three quarters of whom were regular troops. According to the account of this brilliant exploit, preserved in the French archives, the number of French killed and wounded, respectively, was one hundred and six, and two hundred and sixty-eight, of whom fourteen killed and twenty wounded were officers.

Montcalm had gained a success due to eminent courage and conduct. His adversary managed everything amiss. The English, after their heavy loss, were still four times as numerous as the enemy, and they had within easy reach cannon which could without difficulty have cleared a way through the rude work that had repelled them. But Abercrombie ordered a precipitate retreat, and did not stop till he had reached the head of Lake George, whence he sent his artillery and ammunition for safe-keeping to Albany. Montcalm, astonished and not less amused by his misconduct, harassed his rear with parties of Indians; and skirmishes took place, in one of which Israel Putnam, since of Revolutionary fame, then a major of rangers, fell into the hands of the savages, who, after scalping his companions, tied him to a tree and kindled a fire to burn him, when a French officer coming up interposed, and rescued him for a different destiny. When intelligence of this affair reached England, Pitt wrote to Abercrombie that the King had heard of it "with much concern," and promoted Sir

1758.

Sept. 18.

Jeffrey Amherst to supersede him in the chief command. According to the record just now cited of the defence of Ticonderoga, "this brilliant day was the salvation of Canada." It proved a short-lived deliverance. The tide which had rolled crushing disaster on the English was at last about to turn.

The Massachusetts Colonel Bradstreet, who had won reputation at Louisburg under Pepperell, and who seems to have been the source of whatever life and intelligence there was in the grand army of the English,<sup>1</sup> prevailed on Abercrombie to permit him to attempt to retrieve the late misfortune by an expedition against Fort Frontenac (now Kingston), on the north side of Lake Ontario, just above its outlet into the St. Lawrence. The scheme had been proposed by him before Howe's death, and the warm interest with which it had been accepted by that lamented nobleman made it a sort of bequest from him to the provincial troops. Investing the work with three thousand  
<sup>1758.</sup> men, mostly provincials, who had brought eight  
<sup>Aug. 27.</sup> or ten pieces of cannon, Bradstreet compelled the garrison, after two days, to surrender at discretion. The acquisition of the place was important, not only from its relation to the command of the lake, but from its being a depository of stores and of munitions of war for the posts at the west and south. From sixty to eighty pieces of artillery fell into the victors' hands, besides abundance of other supplies, and nine armed vessels lying in the harbor. More than a third of Bradstreet's command consisted of men of Rhode-Island and Massachusetts. It suffered little from the enemy, but before its return was

<sup>1</sup> He had been previously an officer in the regiment of Phillips, Governor of Nova Scotia. (Letter of Warren to the Duke of Newcastle, June 18, 1745.) His merit did not protect him from Knowles's splenetic censure. Aug. 31, 1747, Knowles

wrote to the Duke of Newcastle that he had left the government of Louisburg "in perfect harmony and friendship with every officer in it," except Captain Bradstreet, whom he said he had prevented from swindling the government.

more than decimated by the epidemic malady of the limestone region of the lakes. The exploit contributed to the important result which followed before long, of the reduction of Fort Duquesne by General Forbes, or rather by Colonel Washington. On the failure of supplies expected from Fort Frontenac, the Indians dispersed from Fort Duquesne; and the French, unsupported, were too few to maintain the position.<sup>1</sup>

Nov. 25.

While Abercrombie was blundering and miscarrying on Lake George, Sir Jeffrey Amherst<sup>2</sup> — with two men among his officers, James Wolfe and Isaac Barré, soon to be renowned, the one for military, the other for civil service — was pressing the siege of Louisburg. The operations were on a different scale from those of the time when that fortress, thirteen years before, had been beset by a few inexperienced regiments of New England militia. Admiral Boscawen, with twenty ships of the line and eighteen frigates, conveyed more than thirteen thousand regular troops to Cape Breton.<sup>3</sup> The French garrison, consisting of twenty-five hun-

1758.  
June 2-  
July 28.

<sup>1</sup> With a view to one of the plans for the contemplated attempt upon Quebec, Pownall had had an exploration made of the route by the Kennebec and the Chaudière; a "desperate" service he calls it. He reports that an army could not march by that way, but that a strong scouting party might do so; and that it might be useful in creating a diversion in case of a simultaneous approach to Quebec and Montreal. (Pownall to Pitt, Nov. 5, 1758.)

<sup>2</sup> Pitt had written to Abercrombie (Jan. 27, 1758), that Colonel Amherst "upon his return from Germany to England, where he is daily expected," was to "command the troops destined for the siege of Louisburg, with the rank of Major-General."

<sup>3</sup> May 23, 1758, Lieutenant-Governor Lawrence wrote to Pitt: "The effective numbers embarked for the

service of the expedition amount to 13,200 and upwards." — May 28, Amherst met Boscawen "with the fleet and the troops" coming out of Halifax. June 2, he reached Louisburg; but the weather proved unfavorable for landing till June 8, when Wolfe led a detachment on shore, and beat a party of French. By June 23, a hundred boats had been "lost in landing the troops and provisions." June 28, Meserve and his son died, and of his corps of a hundred and eight men all were down with the small-pox but sixteen, who were taken up with nursing the rest. (Letters of Amherst to Pitt of June 11, 23, July 6, 23, 27.) On Meserve's death, he was succeeded by Gridley, the engineer at the first capture of Louisburg. (Pitt to Amherst, Dec. 28, 1758.)

dred regular troops and six hundred militia, made an obstinate defence. It held out seven weeks, losing fifteen hundred men in killed and wounded. Wolfe was much applauded for his gallantry at the landing and in a successful assault on an outpost. Two hundred and forty pieces of cannon and a great amount of stores and ammunition fell into the hands of the English. The town had been almost ruined in the bombardment. More than fifty-five hundred men, soldiers and seamen, were sent prisoners to England. The fate of Quebec was fore-shadowed.<sup>1</sup>

Wolfe was a man of mark after this campaign.<sup>2</sup> He went to England, and there received the most flattering attention from Pitt, whose sure eye selected him as worthy to conduct the most difficult part of the decisive operations which the Minister was meditating against the empire of France in America.<sup>3</sup> Amherst took back his troops by sea from Louisburg to Boston, whence, without delay, he marched them westwardly to join the other forces destined for the subjugation of Canada.<sup>4</sup>

<sup>1</sup> After the building of Halifax, and especially after the capture of Quebec, the English government had no motive for maintaining Louisburg at the heavy cost which it required; and Pitt (Feb. 9, 1760) instructed General Amherst to demolish its fortifications. "Render, as far as possible, the fort and harbor as incommodious and as near impracticable as may be." Its garrison, armament, stores, &c. were to be transported to Halifax. The execution of the order was committed to Commodore Byron, and, Oct. 17, 1760, what remained of the fortress was blown up.

<sup>2</sup> Amherst despatched Wolfe in command of an expedition to Gaspé, near the entrance of the St. Lawrence, authorizing him, when this should be accomplished, to go to England if he should think proper. (Amherst to Wolfe, August 15.) Probably the object was an explo-

ration of that shore with a view to the contemplated assault on Quebec. Whatever it was, Wolfe reported to Pitt that he had effected it, leaving Louisburg for the purpose August 28 and returning thither September 29. (Wolfe to Pitt, November 1.)

<sup>3</sup> Wolfe had still earlier attracted Pitt's attention by his good conduct in the unfortunate expedition against Rochefort.

<sup>4</sup> Amherst brought thirty-eight transports to Boston. September 14, "all the ships got up, and the regiments landed and encamped on a common joining the town. It is impossible to hinder the people giving the soldiers rum in much too great quantities." September 16, he encamped his troops at Watertown, September 17 at Sudbury, and September 18 at Marlborough. On the next day he expected to march to Worcester, and thence to move as

The programme for the next campaign involved complicated movements, intended to bring <sup>1759.</sup> three large English armies to a junction before Quebec. General Prideaux, in command of a force composed principally of provincials, with some Indian auxiliaries, was first to secure Lake Ontario by the capture of Fort Niagara at its western extremity. Sir Jeffrey Amherst, with an army of twelve thousand men, about half of them colonial troops, was to push down Lake Champlain and the St. Lawrence, taking Montreal in his way, and, having been joined by Prideaux's force from above, was to form another junction before Quebec, with an army of eight thousand regular troops, who, under the command of Wolfe, holding "the rank of Major-General for that expedition only," were to be convoyed from Louisburg by a powerful fleet.<sup>1</sup>

Prideaux was killed in some of the preliminary operations of his expedition. But, under Sir William Johnson, who succeeded to the command, the first object, the capture of Fort Niagara, was effected; and in the prosecution of its further enterprise the army proceeded down the lake. It was belated, however, by the tardiness of the earlier movements; and want of provisions and of the necessary shipping ultimately prevented the accomplishment of that part of the plan. A similar delay frustrated the part which General Amherst was to have

rapidly as possible westward to join Abercrombie. (Amherst to Pitt, September 18.)

<sup>1</sup> A paper in the British Colonial Office, entitled "Proposals for the expedition to Quebec," bears the signatures of Monckton, Murray, and Burton. It has no date, but must belong to the summer or autumn of 1758. It recommends that troops be detached from Amherst's army, and that "Colonel Wolfe shall have the command of the said detachment, with the rank of Major-General for

and during the expedition to Quebec only." Dec. 29, 1758, Pitt wrote to Amherst that twelve thousand men, to be mustered at New York, Boston, and Halifax, were to proceed from Louisburg to Quebec under Wolfe's command, as early as May 7th of the coming year. The correspondence of Pitt at this period with the officers in America is immensely voluminous. Jan. 12, 1759, Wolfe received his commission, and, February 5, his secret instructions.



taken. Whether this was to be attributed to any deficiency of his own in activity and enterprise, or to the essential difficulties of his situation, may admit of doubt ; but what is certain is that Pitt, than whom no one can be supposed to have been more impatient for success, continued to give him assurances of confidence in his spirit and abilities and of approbation of his conduct. The French retired before him as he passed down Lake Champlain ; and Ticonderoga, Crown Point, and the work at Isle-aux-Noix, farther north, successively fell into his hands. But meanwhile time had worn away, and he had just got his flotilla ready for an embarkation on the St. Lawrence when the intelligence reached him that he was no longer wanted at Quebec, and he withdrew his troops into winter quarters.

1759.  
June 28. Wolfe, coming from Portsmouth to Louisburg, and thence, with the force which was awaiting him, to Quebec, found there no circumstance of encouragement whatever, except in the resources of his own genius and the valor and discipline of his troops.<sup>1</sup> The place was extremely strong by nature, and though by no means the fortress that it is now, had been fortified at considerable cost. The force opposed to him was in number superior to his own, under a general of experience and of distinguished ability, who possessed its enthusiastic confidence. There was no longer reason to expect the seasonable arrival of the two armies from up the river, which had been intended to co-operate with his ; if anything was to be done that year, the task rested on himself. To add to other discouragements, he was in reduced

<sup>1</sup> The vaguest apprehensions were entertained of desperate enterprises of the French in their perilous circumstances. Pownall wrote, June 23, to Robert Wood, Pitt's Under-Secretary, that for the more complete security against them on the sea-board, he had been building a fort on the river Penobscot. He had borrowed all the money the merchants had to lend, and could get no more ; and the Province had been reduced to issuing treasury notes so as to provide for a levy of five thousand men for the campaign of the coming year.

health, and much of the time unable to be on horseback. He established a battery on the south bank of the river; but its guns were too low to produce much effect on the steep elevation of the upper town of Quebec, of which the citadel makes part. He landed his troops on the north bank, below the city, and formed there a camp facing that of Montcalm, who had intrenched himself on the opposite side of a small tributary stream. Here, rather it would seem in impatience of inactivity than with any good hope of success, Wolfe ordered an assault, which miscarried. He fell into a fever, which disabled him from so much as holding a pen. When he was able to write to England again, it was in great despondency, in which feeling the whole nation shared when the intelligence was spread. "There is," he said to the Secretary, "such a choice of difficulties, that I own myself at a loss how to determine."

At length his three young brigadier-generals<sup>1</sup> conceived and proposed to him a plan, which he consented to, as the least hopeless of the desperate resorts of which the case admitted. The fortifications of the city were known to be weakest on the western side, where the high plateau called the Plains of Abraham connects the promontory on which Quebec stands with the mainland, its other sides being protected by the water. The difficulty was to effect a landing, and to scale the steep ascent in the face of the defences which had been erected all along the height by the skilful and vigilant French general. It seemed a forlorn prospect, but it was the only one. For a feint, the ships were ordered to ascend the river to a considerable distance above the city, as if with a design to attempt a landing there. From the fleet, four hours before <sup>1759.</sup> the dawn of a day of early autumn, Wolfe, with <sup>Sept. 13.</sup> his officers next in command and about half his force, dropped down the river in boats to the landing-place which he had fixed upon, beneath a steep bank. A sen-

<sup>1</sup> See Chatham, Correspondence, I. 430.



tinel from the shore challenged as the boats passed, but was answered by a Highland officer in French, and made to believe that it was a party of his own comrades. Enough of Wolfe's men got up in silence to overpower by a sudden onset the guard at the top of the acclivity.<sup>1</sup> The first difficulty surmounted, the rest was easier. Confidence was created, and the men worked with a will. Two or three cannon were drawn up the precipice by main strength ; and when the sun rose, five thousand men in battle array fronted the city from the high western plain.

Montcalm, who was at the camp below, heard the news with astonishment, but still supposed that it must be only a small marauding party. Coming in haste to the citadel, and seeing the truth with his own eyes, he took at once an imprudent resolution, which has been explained by a story that he was goaded by a recent taunt of De Vaudreuil the Governor, who was not his friend. He said that he must fight before noon, and overwhelm the rash invaders with numbers. He made his dispositions accordingly, arranging his troops in order of battle before ten o'clock. Their number, according to the best authorities, was half as large again as that of the English.<sup>2</sup> But more than one third of Montcalm's force were Canadians and Indians, while that of Wolfe consisted of British regulars, in the highest condition of efficiency. On either side were only two or three pieces of cannon.

The French advanced boldly to the attack. The English stood motionless till the enemy, who allowed themselves to be broken by the unevenness of the ground and their rapid movement, were within forty yards, and then

<sup>1</sup> "The difficulty in gaining the top of the hill is scarce credible. It was very steep in its ascent, and high, and had no path where two could go abreast; but they were obliged to pull themselves up by the stumps and

boughs of trees that covered the declivity." (Letter of Admiral Saunders, without date or address.)

<sup>2</sup> Parkman (Conspiracy of Pontiac, I. 135) states the proportion as 7,500 to 5,000.

received them with a slaughtering volley of musketry along the whole line, immediately following up their advantage by a charge with the bayonet. There was no resisting the fury of their onset. One fierce shock, and the whole affair was over. The French gave way, and retreated within the city and to their lines below it. General Wolfe received three wounds, the last of which was mortal. Before he expired, he was told that the French were routed, and gave orders for intercepting their retreat.

Monckton, his second in command, was likewise badly hurt, and the direction of affairs devolved on General Townshend. Montcalm and his lieutenant also fell in the action. The French general was carried from the field into the city, where, being told that he had but a few hours to live, he said, "so much the better; I shall not then see the surrender of Quebec." The officer to whom the command next fell, applied to him for orders; but he declined giving them, saying that he must pass the little time that remained in the more important business of communion with God.<sup>1</sup>

The battle had not long been finished when De Bougainville, who, detached by Montcalm to prevent a landing, had gone too far up the river, came down upon the rear of the victorious English; but the time had passed for him to effect anything, and he withdrew to Three Rivers and Montreal, followed by as many of the French army without the city as remained unhurt.<sup>2</sup> About one thou-

<sup>1</sup> Before the war closed, letters highly honorable to both parties passed between De Bougainville, one of Montcalm's officers, and William Pitt, in which the latter gave permission for an inscription commemorative of the French general to be transmitted and set up in one of the French churches of the city.

"Amidst the Government gardens

of Quebec there now stands an obelisk . . . ; — its front looking to the land side, along which the French General moved, bears inscribed the word MONTCALM; its south front, towards which the English General advanced, bears the word WOLFE." (Mahon, IV. 167.)

<sup>2</sup> The troops "landed an hour before daybreak. . . . The light

sand French were killed and wounded, and as many taken prisoners. The English loss was nearly six hundred. General Townshend proceeded with preparations for a siege of the city ; but it capitulated at the end of five days, upon which the fleet sailed from the St. Lawrence with Townshend, who went to tell the story in England, leaving General Murray to hold Quebec. The French population of the city was reckoned at that time at ten thousand.

As things were, the conquest of Quebec involved that of Canada. The rest followed as of course, unless the city could be recovered. Early in the spring De Lévi, who had succeeded Montcalm in the chief command, with the French army which had retired to Montreal and had been there reinforced by six hundred Canadian militia and a body of Indians, made an attempt which might well have proved successful ; for hardship and sickness, occasioned by the extreme cold of the winter and a scarcity of suitable provisions, had reduced Murray's effective force to three thousand men. On nearly the same ground as the field

1760.  
Apr. 28. of battle of the preceding year, an engagement ensued in which the English were worsted and driven back within their works, with the loss of a thousand men. The French general followed up his advantage, and proceeded with the regular approaches of a siege. But before there was time for anything decisive, a powerful British fleet appeared in the river, and De Lévi fell back to Montreal.

To that city the operations of the summer were of

infantry scrambled up a woody precipice in order to secure the landing the troops by dislodging a captain's post which defended a small intrenched path the troops were to ascend." The French had two small guns, the English but one, which was " admirably well-served. . . . Our troops reserved their fire till within forty yards, which was so well

continued that the enemy everywhere gave way." Townshend had scarcely repaired to the centre, having learned that the fall of his superiors had devolved the command upon him, when De Bougainville with two thousand men came upon his rear. (Brigadier-General Townshend to Pitt, September 20.)

course directed. Amherst, having secured the forts on Lake Champlain, marched with a force of ten thousand men, regulars and provincials, to the eastern end of Lake Ontario, where Sir William Johnson joined him with a thousand Indians, and they proceeded together down the river. Before Montreal they met Murray, who on the same day arrived there with his force <sup>Aug. 10.</sup> from Quebec; and the following day came the detachment which had been serving on Lake Champlain. De Vaudreuil, the French Governor-General, was himself in Montreal, where he signed a capitulation sur- <sup>1760.</sup> rendering Canada and all its dependencies to the <sup>Sept. 10.</sup> King of Great Britain.<sup>1</sup> The people subjected by this treaty to the British Crown were not far from eighty thousand in number.<sup>2</sup>

Thus the great Secretary, in the words of Grattan, had smitten "with one hand the house of Bourbon, while he wielded in the other the democracy of England." The French empire in America, built up through adventures so romantic, the child equally of the ancient chivalry and the ancient religion, was now no more. Its adventurous discoverers, its politic rulers, its gallant soldiers, and its priestly martyrs had alike illustrated it. It had brought the strongest contrasts of the social state, the brilliant Parisian and the Indian of the American lakes, to stand side by side. Its explorers — Cartier, Champlain, La Salle, Marquette, and others of less name — had with their intrepid curiosity opened a new world to the knowledge of Europe. The presence of their followers might have

<sup>1</sup> On receiving intelligence of this surrender, Pitt wrote to Amherst (October 24) commending him for his "well-combined and masterly plan." 1761, July 17, he sent Monckton a commission to invest Amherst with the "ensigns" of a Knight Companion of the Bath. Amherst was next employed in the

command of the expedition against Martinique.

<sup>2</sup> Lord Mahon (Hist., IV. 149), I know not on what authority, places the number in 1759 at only sixty thousand. Montcalm reported to the French Minister of War that in that year it did not exceed eighty-two thousand.

proved a blessing to the red men, had there been no rival civilized power on this continent. For the accommodating Frenchman easily conformed his habits to theirs, and won them by his versatile talent and his inexhaustible gayety. In his negotiations he treated them as equals, not wounding their pride, as the English did, by requiring professions of subjection and allegiance. His policy towards them had greater uniformity and consistency, not being subject, as in the case of his rival, to as many different counsels as there were contiguous colonies. The religion which he offered, condescending in its ritual to a correspondence with their rude natures, found a sort of access, through their senses and imaginations, to their consciences and hearts; and, at all events, its ministers—often men of distinguished talent, culture, and address, yet so consecrated, heart and soul, to their work that they passed years, and often lives, of hardship, privation, wearing toil and perpetual danger, in instructing and humanizing their barbarous converts—could not fail to exert the power and do the good which always belong to self-forgetfulness and to evidences of good-will. But the temptation to use to a hurtful end the power thus disinterestedly acquired was too great for the safety of either the leaders or the led. The distresses which these poor people had been made the instruments of their martial and priestly guides to inflict upon their neighbors, make one of the saddest stories one can read. With intervals, and with different degrees of horror, this barbarity of Indian war under French influence had been going on for more than eighty years. It could not stop too soon; and for putting an end to it, were that alone his merit, the name of Chatham should be dear to humanity.<sup>1</sup>

<sup>1</sup> Something of the New England way of viewing the event may be gathered from the remarks of the Rev. Samuel Niles, in his "History of the Indian and French Wars" (Mass. Hist. Soc. Coll. Fourth Series,

But there was another bearing of this war and this treaty, not then generally perceived, though indistinctly apprehended by some far-sighted men, which, seen in the light of later events, attaches to them a singular importance. Very uncertain are the calculations of politics, and very mysterious are the ways of Providence. Great Britain was at vast expense to wrest the Canadas and their dependencies from her ancient enemy, and immense was the triumph through all her wide empire when the deed was done. The morning drum-beat which "circles the globe with one continuous strain of the martial airs of England," was never more exultingly laid on, than when the tidings of that conquest leaped from post to post beneath the folds of the red-cross ensign. But in the unravelling of the web of events, the cost which Great Britain had been at for that achievement proved to have been only just so much expense laid out on the throwing away of the brightest jewel in her own crown. The fall of the French empire in America was but the signal for the mutilation of the British empire. Sixteen years only passed from the fight on the Heights of Abraham to the

V. 372). "The memorable deliverances God has wrought for the land by his own almighty hand, — we may say, indeed, miraculously, — in turning the French, our cruel, designing, fierce enemies, in league with so many tribes of the barbarous and blood-thirsty savages, who have, in concurrence with the French and under their influence, tortured unknown numbers of English subjects, men, women, and children, to death: . . . which, as a wonderful work of Divine Providence, ought to be remembered and acknowledged with thankfulness, and the more to be admired, as we were before, and still continue, an unreformed and corrupt people, and our rejoicings on this memorable, strange event (in the common sort), has carried much more signs of pagan,

heathenish triumph than any religious acknowledgments due to God for his successive deliverances, and finally completing so great salvation for us. . . .

"Such a day of deliverance, which our eyes now behold with joy, has been long looked, hoped, and prayed for by our ancestors, and all that were true lovers of their religion and country. The works of God are wonderful, and this among others. Many have been our fruitless essays to subdue Canada, — as it was God's time; his time is the best and only time. God ordinarily, indeed, works by means, and not by miracles as of old; and raises up instruments as his agents to bring his purposes to pass; thus, the great and renowned General Wolfe. . . ." (Ibid. 584.)

fight on the Green at Lexington; and the later of these events, in a just construction of the case, was a logical sequence of the earlier.

King George the Second lived just long enough to hear of the capitulation of Canada. The old man — he had  
 1760. reached the age of seventy-seven years — died  
 Oct. 25. in a blaze of triumph.<sup>1</sup> The illustrious commoner whom he had put in the place of the routine-bound line of Whig nobles, had in less than four years raised the English power from deep depression to the height of greatness. The empire of England was established in the East Indies. The French navy was all but driven from the sea. The French empire in America was crushed.

Massachusetts had three hundred men with the force which captured Quebec, besides several hundreds employed in the fleet. A large body of her troops was serving under General Amherst, and twenty-five hundred were in and near Louisburg, relieving regulars detached under the command of General Wolfe. The Province had made these and other exertions under extraordinary discouragements belonging to the lavish expense which they involved.

Before this final assault on the French power, the force  
 1753- of its savage allies within the reach of Massachu-  
 1759. setts had by degrees been hopelessly prostrated by the arms of the Province. Two years after Phips's accommodation with them,<sup>2</sup> he still saw occasion to name to his General Court as a material obstacle to the settlement of the eastern country, its "exposed situation to the Indian enemy." As a part of the plan which, on his return from Europe, Shirley had projected for security against the French, he caused a strong fortification to be built at

<sup>1</sup> The great news reached London apoplexy brought the King's life to October 4 (Gentleman's Magazine, its end. XXX. 485), three weeks before an

<sup>2</sup> See above, p. 112.



the head of the navigation of the Kennebec, to which was given the name of Fort Halifax, and two smaller works, called, respectively, Fort Western and Fort Shirley, one a little higher up, and the other below, on the eastern side of the same river. In the following year, while the English forces were operating in Nova Scotia, the Indians, as if instigated by their French friends to make a diversion, were active in their invasion of the weak settlements in Maine, committing murders and devastations at the hamlets which had taken the names of Gorham-town, New Boston, Frankfort, Sheepscot, and New Gloucester, till, at the instance of the General Court, war was formally declared by the Governor against all the "tribes eastward of Piscataqua, excepting those upon Penobscot River." Some three hundred men were accordingly sent into that region, before whom the marauders for a while retired and dispersed. But after the declaration by England of war against France, they were again in motion, as were now also the tribes upon the Penobscot, whose behavior had hitherto been pacific. But the great successes of the English which soon followed, discouraged them. The year of the conquest of Cape Breton appears to have been the last year of any enterprise on their part. The next year after Louisburg was taken, an expedition from Boston took possession of the shores of the Penobscot; and the building there of a strong work named Fort Pownall insured the future tranquillity of the farthest frontier of Maine. The numbers of the once formidable Abenakis were now so far reduced that no consideration seems to have been had of them when the terms of peace between the great European belligerents came to be settled.

Governor Pownall's interest with the Board of Trade having procured him the appointment of Governor of South Carolina, an office attractive in point of emolument, he took his departure for England, <sup>1760.</sup> June 3.



for a visit there before he should proceed to his new government.<sup>1</sup> He left in Massachusetts a good reputation. With some failure in that gravity of manners which among so sedate a people was thought to beseem his place, the conciliation which he habitually studied accomplished its amiable purpose.<sup>2</sup> He was diligent and impartial in the business of administration ; and, in particular, his plans of economy were well conceived, and carried out with important success. He had liberal ideas respecting the relation of colonies to the parent country, and did and said nothing to awaken a jealousy of arbitrary designs. And the generous policy of the British Minister of course attracted good-will for the magistrate who was the channel of his communications. Both branches of the Legislature took leave of the Governor with affectionate Addresses of farewell. The Council complimented him on "an administration, short indeed, but active, vigorous, and filled with affairs great and important." The Address of the Representatives was full of feeling. To no other Royal Governor had that House expressed so much regard. Pownall was the last of her royal Governors from whom Massachusetts parted in friendship.

<sup>1</sup> Letter of Hutchinson to the Lords of Trade, of June 29. Hutchinson, who, as Lieutenant-Governor, was at the head of the government for the short time between Pownall's departure and the arrival of Bernard, was no favorite of Pownall, who sought rather the society of men of less courtly principles. His intimate friends, according to Dr. Eliot (*New England Biographical Dictionary*, Art. *POWNALL*), were Samuel Cooper, the minister of the Brattle Street Church, and the very learned and able Benjamin Pratt, soon promoted to be Chief-Justice of New York. Benjamin Pratt was son of Aaron, of Cohasset, who was son of Phinehas. (See above, Vol. I. 202, note.)

<sup>2</sup> His representations of Massachusetts to the Ministry were habitually of a friendly and laudatory tenor. Previously to any call from him, he said, they made provision for "the continuance of the Province troops in the garrisons of Cape Breton and Nova Scotia. . . . Otherwise that department of the King's military service called the regular must have been greatly weakened and distressed. It has been hitherto the merit of the Province to stand foremost in the King's service, but here they stand alone. . . . It would be injustice in me as Governor to assume any part of the merit of these services. It required no art, no management," &c. (Letter of Pownall to Pitt, Feb. 14, 1760.)

In the last fifteen years of the second English sovereign of the House of Hanover, New England had lived an age. Within that period had taken place the important conquests of Louisburg and Quebec. The tumult of the "Great Awakening," just before the first of these exploits, had exhausted what of religious impulsiveness in the people was merely imaginative and unreasoning. Through a happy concurrence of circumstances, financial integrity, shattered so long and almost lost sight of and despaired of in the embarrassment and disappointments of two generations, had been repaired and re-established. The participation in military operations on a large scale had widened the range of political observation, and broken down the limitations of provincial thought. The courage and constancy that belonged to an unmixed English blood, had been kept in vigor by continued enterprise. The instruction of the young having been sedulously cared for in the worst of times, each successive generation, as it reported itself for service in the conduct of the public business, brought its preparation for the trust. Communication and common action with statesmen and soldiers of the parent country had heightened the tone of public character by infusing a sense of national dignity; while, in a state of affairs which demanded harmony and mutual conciliation, the representatives of royalty in the Colonies had, for the most part, in their proceedings and deportment, avoided provocations to Provincial sensibility. So confident of their power as to be intolerant of encroachment, the dwellers in New England were contented with their place in the empire, loyal to the English King and Constitution, and bound in honest fraternal attachment to the English people. When the conquest of Canada had relieved them from apprehension of the renewal of sufferings which had afflicted their whole previous history, no community of people in the world seemed authorized to look forward to a happier future than they,

or to have less occasion for entertaining any wish for a change.<sup>1</sup> All the prospect appeared serene. As yet there was no indication that official short-sightedness and presumption were presently to cloud it over.<sup>2</sup>

<sup>1</sup> In the Address presented to Governor Bernard by the House of Representatives of Massachusetts, August 15, 1760, they say : " This Province has almost alone, for above sixty Years been a Frontier and Barrier to all His Majesty's Subjects in *North America* against our and their inveterate and unalterable Enemies ; always insidious and false in Times of Peace ; Inhuman, Savage and Barbarous in Times of War. . . . It is with inexpressible Joy we take a view of the present Times. The *British* Constitution has for a long Series of Ages been allowed to exceed all others ; and accordingly by the Favour of the Supreme Ruler of the Universe, it has preserved itself against all the Attempts of intestine Tyranny, Rebellion and Anarchy, as well as foreign Machinations and Enterprises : But now this glorious Con-

stitution exceeds itself ; it raises new Ideas for which no Language has provided words, because never known before : Contradictions are become almost consistent, clamorous Faction is silent, morose Envy good-natured, by the divine Blessing on the Councils and Arms of our dread Sovereign in every Quarter of the World : He is become the Scourge of Tyrants, the Hopes of the oppressed."

<sup>2</sup> In March, 1760, there was a great fire in Boston, " which raged so violently as, in about four hours, to destroy nearly a tenth part of the town. It began by accident in . . . Cornhill. . . . There were consumed 174 dwelling-houses, 175 warehouses and other buildings, . . . and 220 families were turned upon their neighbours for shelter." (Minot, *Hist. of Mass.*, II. 58.)

## CHAPTER XIII.

THERE was a healthy growth of the three smaller Colonies of New England during the score of years that divides the almost simultaneous changes in the chief magistracy of her Colonies<sup>1</sup> from the momentous event of the conquest of New France.

Belcher was the last Governor of the two Provinces of Massachusetts and New Hampshire.<sup>2</sup> On his recall, the latter government was conferred on Benning  
1741.  
Wentworth, son of the late Lieutenant-Governor.

Like his father, he had been acting in opposition to Belcher. He had been a prosperous merchant in Portsmouth, a member of the Provincial Assembly, and afterwards a Counsellor. Business growing out of an unfortunate speculation in lumber carried him  
1740.  
to London at the time of the removal of Governor Belcher. There he cultivated the friendship of Tomlinson, agent for New Hampshire, who had influence with the Court, and who, having first failed to obtain the

<sup>1</sup> See above, Vol. IV. 592. Benning Wentworth became Governor of New Hampshire late in 1740, and in 1741 Shirley became Governor of Massachusetts, Law, of Connecticut, and Ward, of Rhode Island.

<sup>2</sup> Oct. 8, 1740, Martin Bladen, of the Board of Trade, recommended to the Duke of Newcastle that, when a change should be made, New Hampshire should have a separate Gover-

nor, inasmuch as, he wrote, "New Hampshire, being infinitely the smallest, has been greatly oppressed by the Massachusetts Bay" in "the eternal disputes about their boundaries." Any successor to Belcher, he said, must, like him, act partially to Massachusetts, "or he must expect no favor from the people, — which would be putting an honest man in a very disagreeable situation."

government for Colonel Dunbar, Belcher's most conspicuous rival in that Province, procured the nomination for Wentworth, as on the whole the next most important member of the dominant local party. Through his English patron, and for a consideration of two thousand pounds sterling paid to Dunbar, Wentworth also obtained the office of Surveyor of the Woods, valuable to him at once as being lucrative, and as relieving him from the embarrassments to which the Governor was exposed from interference on the part of an officious Surveyor.

When Wentworth came to the government of New Hampshire, the population of that Province might have numbered as many as twenty thousand persons.<sup>1</sup> His

<sup>1741.</sup> administration began with exchanges between  
<sup>Dec. 13.</sup> him and the Assembly of abundant assurances of

good-will and confidence, from which censures on the late administration were not wanting. The Governor would have turned to account his favor with the Representatives,

<sup>1742.</sup> by engaging them to pay him a fixed salary, and to remunerate adequately the agents whom they had employed in England. They made a grant to Tomlinson of a hundred pounds.<sup>2</sup> They said they should better know what they were able to do for the Governor when the population of the Province should be defined by the settlement of the boundary lines; and meanwhile they promised him an annual salary of five hundred pounds. He turned Belcher's practice against Belcher's friends by appointing his own partisans to office.<sup>3</sup> He

<sup>1</sup> This is rating it high, for, only eleven years before, the Provincial Government had reported it to the Lords of Trade as being, of "men, women, and children, ten thousand whites and two hundred blacks." (N. H. Prov. Papers, IV. 532.) But they added: "The inhabitants are increased about four thousand within this ten years last past" (Ibid., 533);

and probably the increase in Belcher's time was still more rapid. In a tax levied June 26, 1742, thirty-one "towns, parishes, and precincts" were assessed.

<sup>2</sup> N. H. Prov. Papers, V. 625.

<sup>3</sup> May 26, 1742, Wentworth wrote to the Duke that he had suspended Richard Waldron from his office of Secretary of the Province. He ap-

attached himself to Governor Shirley, who on his part found it advantageous for the prosecution of his large schemes to stand well in a quarter whence he might derive substantial assistance.

Little occurred in the first three years of Wentworth's rule to break the monotony of a satisfactory administration.<sup>1</sup> On the rumor of an impending war with France, the Assembly complied with his summons by adopting measures to place the Province in a state of defence.<sup>2</sup> Shirley's project for the conquest of Cape Breton animated them to unparalleled exertions. William Vaughan, whose agency in respect to it was so conspicuous, was a son of a former Lieutenant-Governor of New Hampshire. He had never been at Louisburg, but his attention to the condition of that place had been stimulated by a pecuniary interest in the fishery of the eastern seas. When the enterprise was resolved on by the government of Massachusetts, Vaughan addressed himself to the Assembly of 1745. New Hampshire, where he found willing hearers, Feb. and votes were passed for raising an auxiliary force of three hundred and fifty men. The question of the ways and means was less simple, for Wentworth had brought from England an instruction to prevent the further issue of bills of credit, except for the single purpose of repaying advances already made by the King. But the Governor of Massachusetts showed him a way to dispose of this scruple. Shirley wrote that he had obtained permission to deviate from a like instruction given to himself, so far as to permit an issue of bills to be applied solely to the purposes of the war, and that Went-

pointed Theodore Atkinson to be Waldron's successor. (N. H. Prov. Papers, V. 611.)

<sup>1</sup> Between the Council and Representatives a dispute was maintained with some temper as to whether the Recorder of Deeds should be chosen by the latter body or by the whole

Legislature. (N. H. Prov. Papers, V. 177, 179, 191 *et seq.*, 663, 668.)

The Governor interested himself in it. At length the Council consented to an election by the Representatives for one year. (Ibid., 686.)

<sup>2</sup> Ibid., 689, 699, 706, 709, 711 *et seq.*

worth might reckon on being pardoned for the irregularity, if without express leave he should do the same thing. In a difference between the House and the Council respecting the time for the redemption of the bills by taxes levied for the purpose, the judgment of the latter body prevailed, and bills were issued to the amount of thirteen thousand pounds, payable in equal annual instalments after six years. Shirley wrote to Wentworth that, but for his disability of the gout, he should have wished to make him Commander-in-Chief. But when the Governor of New Hampshire replied that there was nothing in his health to prevent his going on that service, he was informed that, in the opinion of judicious persons who had been consulted, a reversal of the existing arrangement [with Pepperell] "would be attended with great risk, both with respect to the Assembly and the soldiers." The truth was, that in the time between Shirley's two communications, the desired grant of money had been made by New Hampshire, and the good-will of the Governor of that Province was no longer worth so much.

The force of five hundred men, which in an armed sloop and transports New Hampshire sent to Louisburg, was estimated as being equal to one eighth part of the whole force serving on shore. Of these a hundred and fifty were in the pay of Massachusetts. The rest, constituting a regiment under the command of Colonel Samuel Moore and Lieutenant-Colonel Meserve, arrived at Canseau two days before the fleet from Boston. Vaughan, holding the rank of lieutenant-colonel, but unassigned, and permitted to act where his humor led him, was busy everywhere. The regiment, whose second officer was a ship-carpenter, built sledges on which they dragged the cannon into position through the half-frozen mire. New Hampshire men took part in the defeated attempt on the island, and were detailed to the exposed service of building a battery at the light-house. When



a general assault was talked of, Colonel Moore, who had been a sailor, volunteered with his regiment to take the French sixty-gun prize into the action; and when the *Vigilant* was manned in a different way, they got leave to serve as marines on board of another vessel. Vaughan esteemed his own merits on this expedition to have been such as to entitle him to distin-<sup>1746.</sup>guished notice from the ministers, and he accordingly went to England and applied to the Duke for the government of Nova Scotia. He proposed to people that peninsula, which he said he could do, "with a great number of Protestants from Germany, Switzerland, England, Ireland, Scotland, New England, &c., and make it one of the most flourishing provinces in America." That suit proving ineffectual, he solicited "The Collector's post in the Massachusetts Bay, and Surveyor-General of the Woods." But he obtained neither, and after a year's fretting experience of ministerial antechambers, he died in London, disappointed and poor.<sup>1</sup>

<sup>1</sup> Feb. 28, 1746, Vaughan wrote to the Duke, asking for "the posts that Governor Phillips has for a long time enjoyed in Nova Scotia, from which he has been absent about seventeen years. . . . My grandfather was the only prop and support of the Province of New Hampshire in all the times of infancy and difficulty. . . . My father was the chief gentleman volunteer of New England in the expedition when Nova Scotia was reduced to the obedience of this Crown. . . . It has been in the hands of the Crown thirty-five years," but "has not one English family in it, except in the garrison;" and he wishes to establish a colony in it. If he cannot have this, he prays for a sum of money.

1746, May 5, in another memorial to the Duke (who had suggested his going to America with General St.

Clair, whom it was proposed to send out, but who never came), Vaughan again urged his capacity for being useful in Nova Scotia. And in yet another, May 16, he said that he had been "attending your Grace's office more than seven months past." He asks to "have some civil patent post in New England given to maintain me for time to come during my life." The Collector's post, and that of Surveyor-General, are, he says, "the only ones that I know of that are beneficial, except the Government of the Massachusetts Bay, which I have done all that could be in my power to establish Mr. Shirley in, by moving the expedition against Cape Breton." Shirley certified, March 18, that Vaughan "first proposed" the expedition to him, through Colonel Robert Hale.

Great hopes were entertained by the people of New Hampshire as to the consequences of the capture of Louisburg. But the quiet of their frontier homes was not to be won there. Weary years were yet to pass before they would be safe. When Shirley projected those further operations against New France which were frustrated by the inaction of the imperial government, New Hampshire made the contribution, so vast in proportion to her means, of an enlistment of eight hundred men, with ample provision for transportation and supplies. The report of the Duke d'Anville's being at sea created a sense of danger nearer home, and the troops were employed in constructing and garrisoning works at Portsmouth and elsewhere along the coast. Meanwhile the Indians had resumed their invasions of the settlements on the now extended border, burning, ravaging, maiming and murdering at the places now called Keene, Westmoreland, Charlestown, Hopkinton, Boscawen, Swanzey, Hinsdale, Winchester, Rochester, and Concord. In thirteen months thirty persons were killed by the savages, and more than twenty were carried away captive. Their experiences of daring and suffering exhibited all the various adventure incident to guerilla war. When no other mischief was done, the English were distressed by the necessity of constant vigilance. The contest was too unequal. The soldiers were discouraged, and preferred to enlist in the marching regiments. The Province discontinued the remote garrisons, and the inhabitants withdrew, abandoning their dwellings to the enemy, and burying such of their effects as they had not means to bring away.

This exposed state of the northern frontier was not disregarded in Massachusetts. Charlestown, the uppermost post on the Connecticut, was one of those which had been deserted. Captain Phineas Stevens, sent to occupy it with thirty rangers, found the

work which had been erected there in good order. He was presently attacked by a force of French and Indians, who, with burning missiles and with other devices, attempted for three days to set fire to the fort, but without success. The French commander invited Stevens to a parley, and proposed to convey his men, unarmed, as prisoners to Montreal, threatening, as the alternative, to put them all to the sword should they make further resistance. The offer was rejected; the fight was resumed, and after three days the assailants withdrew, two Englishmen only having been wounded and one killed. The successful maintenance of the post was a great relief, and its brave defenders were much applauded. After two years more of hostilities of this almost purposeless but distressing character, the hollow peace patched up at Aix-la-Chapelle between the ambitious powers of Europe promised a period of repose to the harassed dwellers in the New Hampshire wilds.

The ancient question respecting the title to lands in New Hampshire had not been put to final rest in the course of transactions connected with the removal of Governor Belcher. A sum of money for which Tomlinson, acting for the Assembly, had stipulated with young Mason as the consideration for a release of his claim, had remained unpaid for six years.<sup>1</sup> It was not without reason that Mason was dissatisfied with the delay; and on returning from the expedition to Louisburg, in which he had commanded a company, he gave notice that unless he had his money forthwith he should treat with other purchasers. The Assembly did not proceed quickly enough; for on the very day when they

1746.

Jan. 30.

<sup>1</sup> The Mason claim to much of what is now New Hampshire goes back to 1621. (See above, Vol. I. 204.) In 1738, Tomlinson, mentioned in the text, agreed with the heir of Mason for the release of his

whole interest to the Assembly of New Hampshire, in consideration of the payment of one thousand pounds, currency of New England. (Farmer's Belknap's N. H., I. 254.)

informed him that they were ready to fulfil their part of the bargain, he had conveyed his interest to a company consisting of twelve persons, who were to hold it in fifteen shares. The company partly protected themselves against the popular displeasure provoked by this transaction by a quitclaim grant, which covered the four original towns of the Province, and twelve others, now settled, which lay within the territory included in Mason's patent. The Assembly offered to the company to buy their right by refunding the purchase-money and costs. The company negotiated till there had been time for the public agitation to subside, and then declined the proposal. They professed to be willing to accept it, if a condition should be annexed that the lands, when acquired by the Province, should be disposed of by grants of the Governor and Council, — a condition to which the Assembly would not assent, insisting that the lands should be subject to their grant, so as to be secure against influences of favoritism and corruption. No agreement could be made. The company proceeded to exercise their rights of proprietorship with a liberality which disarmed prejudice and apprehension. They made gratuitous grants of lands, subject only to the conditions that mills, roads, and meeting-houses should be built in every plantation within specified times; that provision should be made for the maintenance of the ministry and of schools, and that a certain proportion of the land should be set off to themselves. The heirs of John Allen<sup>1</sup> protested against this occupation; and Tomlinson's confidence was so shaken that he advised the company, as a measure of prudence, to buy off their claim. But the company, trusting in the goodness of their title, in their own local influence,

<sup>1</sup> For the claim of the Allen family, see above, Vol. IV., ch. 7 and ch. 11. It was based upon a sale by Mason's heirs of their title to the lands in New Hampshire to Samuel Allen of London. (Farmer's Belknap's N. H., I. 123.)

in the advantage of possession, and in their policy of combining the common interest with their own, decided that they might without risk save their money; and the result proved their wisdom. The pretensions of the claimants under Allen subsided gradually into final silence.

While the boundary line between New Hampshire and Massachusetts was under discussion, Governor Wentworth, in his writs for the election of a new Assembly, included a few towns which had hitherto been understood to belong to the latter Province. This occasioned a dispute between him and the House of Deputies, — he asserting the privilege to be vested in him, as a royal Governor, of summoning towns to the popular branch of the Legislature at his discretion, as the King had done when it was instituted; the House maintaining, on the contrary, that towns authorized to be represented therein had always been designated by itself. The Lords Justices (the King being on the Continent), informed of this state of things, and that the House had refused to admit the Governor's members, directed him to dissolve the Assembly, and to issue new writs as before. The next <sup>1749.</sup> House persisted in the pretension. They again <sup>Jan.</sup> refused to admit the members elected under the Governor's authority, and they chose for their Speaker Richard Waldron, a person obnoxious to him as a former friend of Governor Belcher. The Governor refused to approve the choice, and the House maintained that in so doing he transcended his authority. Angry messages passed between the parties.<sup>1</sup> For three years the Assembly was adjourned from month to month, transacting little but formal business. The securities of the Province declined alarmingly in value. The Governor got only part of his salary. The public accounts were not adjusted. Offices depending on appointments by the Legislature remained

<sup>1</sup> N. H. Prov. Papers, VI. 71 *et seq.*

vacant. The soldiers of the late war suffered for want of their pay.

The apparent contumacy of the Province disturbed its friends in England. Tomlinson, though he thought that the Governor had not been altogether conciliatory and discreet, wrote that the Ministry would certainly sustain him in the assertion of his prerogative. The agent for Massachusetts pressed for reimbursement of the cost of keeping up Fort Dummer, and proposed to receive it in the form of an accession of territory from New Hampshire. That Province was blamed for not availing itself of its share of the war subsidy (thirty thousand pounds sterling), as Massachusetts had done, for a resumption of specie payments. But the Assembly was not discouraged nor deterred. Some of them sent to London a complaint against the Governor, thinking, should it succeed, to replace him by Sir William Pepperell. To complain to the King of a magistrate for obeying the King's orders was too unpromising a scheme to be pursued, and the remonstrance never went further than the hands to which it was intrusted for delivery. The completion of the three years' official term of the Legislature had brought exhaustion  
1752. and soberer thought; and a new Assembly met,  
Jan. desirous of putting affairs upon a better footing. The Governor made fair professions, and followed them by a skilful policy in the distribution of his official patronage. The House increased his salary, and ceased to vex him by their choice of a Speaker. The public accounts were adjusted. The contribution from England was judiciously invested, agreeably to a general consent; and the opposition to the Governor, having no definite abuse to rally upon, was weakened, and at last disappeared. The border towns were repeopled by a return of their inhabitants dispersed by the war. The Province was extended by grants and settlements along the Connecticut River, on both sides; and, in the little time till the next war began, there

was in New Hampshire a novel enjoyment of quiet and prosperity.

When the prospect of another war was taking shape, the French, as usual, were beforehand in their preparations, and they could set their wayward Indians on the work of blood without subjecting their own King to be questioned for a breach of his engagements.<sup>1</sup> The old maraudings were revived with the old ferocity. They were partly checked when Massachusetts again sent troops to occupy Charlestown, as a post commanding one of the natural lines of travel from Canada. <sup>1754-1756.</sup> A New Hampshire regiment, under Colonel Blanchard, did good service by Lake George against Baron Dieskau; and the gallant conduct of another, under Colonel Gilman, contributed to all that was favorable in the issue of the campaign. "The danger of becoming slaves of France," wrote Wentworth to the Secretary of State, "has at length raised a spirit — and it appears to be almost universal — equal to the ancient Romans. Out of the three hundred men I have raised in this Province, not a man can be marked out but substantial farmers and free-holders, who engage upon no other principles but to secure freedom and happiness to their posterity."<sup>2</sup>

Meanwhile the absence of these troops left the interior

<sup>1</sup> In October, 1754, Wentworth wrote to Secretary Robinson that his Assembly had not satisfied him as to grants for repelling the expected French invasion. He apprehends that "great inconveniences may arise to the King's service unless the power of the Crown is enlarged in this particular. . . . It appears to me that the whole aim of the French is, in taking possession of the western portions of Maryland and Virginia and on the river Ohio, to secure the Indians in the interest of the French King." — Dec. 5, 1754, in a speech to the Council and the Assembly, he in-

formed them that he had made known to the King the ample provision they had made in their last session for searching after "a French fort, reported to be built or building at Coos, on or near the head of Connecticut River, within the undoubted limits of this government." (N. H. Prov. Papers, VI. 321.)

<sup>2</sup> New Hampshire, he adds, has resolved to send three hundred more men to Crown Point. (Comp. N. H. Prov. Papers, VI. 433.) "General Johnson will have upwards of ten thousand men."



of the Province exposed in a way by which the watchful savages did not fail to profit. From St. Francis they came down upon the Connecticut, and at Hopkinton, Keene, Charlestown, Walpole, and Hinsdale committed their customary devastations and massacres. Lord Loudoun, informed of the efficiency of the rangers of New Hampshire, caused three companies of them to be organized, under the command of Robert Rogers and the two brothers William and John Stark, of whom the latter is now well known in history as a brigadier-general in the war of the American Revolution. These rough and hardy soldiers knew nothing of winter quarters. No Indian camp was secure against them in the bitterest night or the thickest wood; no French intrenchment could depend upon its

1757- scouts for warning of their stealthy and swift ap-  
1759. proach. Troops of New Hampshire shared in the gallant defence of Fort William Henry, by Colonel Monro, and eighty of them fell in the perfidious massacre that followed. When the enemy was expected to push his advantage and come down to the settlements, New Hampshire soldiers, to the number of two hundred and fifty, were for the first time sent to hold the post at Charlestown. But they remained there undisturbed through the anxious winter, though the savages appeared in the neighborhood, where they killed two or three men and carried off some prisoners and cattle.

The new confidence which was inspired when Pitt came into power, stimulated New Hampshire to raise at once eight hundred troops, of whom mechanics to the number of more than a hundred went to Louisburg under the same officer, Colonel Meserve, who, thirteen years before, had rendered such good service at that place, and who was destined to die there at this time, of the small-pox. The rest joined Abercrombie at the West, and partook of his ill fortune. In the following summer, a New Hampshire regiment, a thousand strong, under the command of Zac

cheus Lovewell, brother of John Lovewell, of Piggwacket memory, served with General Amherst at the taking of Ticonderoga and Crown Point.

The reader who has borne in mind the disproportionately large share which had all along fallen to New Hampshire of the miseries inflicted by the savages in their inroads on New England, will have expected to see the soldiers of that Province terribly in earnest whenever they could come hand to hand with their cunning and cruel enemy. While Wolfe was before Quebec, the ranger officer Rogers (now a Major) was despatched with two hundred men from Crown Point against the Indian village of St. Francis, which he reached by a march of three weeks. Concealing his men at a little distance, he entered it in disguise, and, having made his observations, returned to lead an assault, which took place just before dawn. The Indians, aroused from sleep after a night of revelling, made but a feeble resistance. Many were killed under their roofs, and many in flight. The repeated horrors by the Piscataqua were partly avenged. The victors retired with a valuable booty, for St. Francis had long been a place of deposit for the spoils of the English border. The English had but one man killed in the action, and only six or seven wounded. But they were sharply pursued on their retreat towards Connecticut River. After a dispiriting march of a week or two up the valley of the St. Francis, they dispersed on the eastern shore of Lake Memphremagog, and in small parties went on their several ways through the forest. Some came into Charlestown, weary and half famished. Others, exhausted, lay down to die on the way, as was known when, years after, their bones were found by the settlers who had reached that mountain region.

On its way to Montreal in the following year, the force under Sir Jeffrey Amherst was joined at Crown Point by eight hundred soldiers of New Hamp-

1760.

July.

shire, who, for the greater despatch, had made a new road for themselves over the mountains and by Otter Creek. They were present at the capitulation of Montreal, and the consequent release of English prisoners, among whom they found a family which, while they were on the march, had been carried off from Charlestown by some Indians.

To New Hampshire, even more than to any other community of New England, the conquest of Canada was an event of the most joyful significance. Her settlements had never known assured repose since their earliest day. For more than eighty years, since the fugitives from Philip's war had offered themselves as guides from the banks of the St. Lawrence to the New England towns, their lives, from childhood to the grave, had been disquieted by ever present apprehension, in the intervals when they were not made miserable by recent distress. They had been kept poor by the interruptions and discouragements of industry, as well as by the expenses of war.<sup>1</sup> While they could sustain life in their homes on coarse fare, as a community they had to live upon credit; and even that, the Crown, not unwisely, was reluctant to have them use with any freedom. It was an alleviation of the hardships of the time that since the final war began, the seasons in New Hampshire, as in the other Colonies, had been favorable to the harvests. Different weather prevailed in the next two years, and there was a scarcity of provisions which made costly importations necessary.

1741. In the year when Jonathan Law became Governor of Connecticut, the population of that Colony may have grown to as many as sixty or seventy

<sup>1</sup> Portsmouth, however, by its salt, had already become a rich commerce with the West Indies in mart. lumber, fish, &c., and with Spain in

thousand souls.<sup>1</sup> Of all the Colonies of New England, it had experienced far the least the evils of an inconvertible paper currency. So sparingly had bills of credit been issued, and so judicious were the arrangements for their redemption, that they were little or not at all depreciated down to the time of the expedition against Louisburg, though, six years before, the exertions made by the Colony to meet the requisitions from England in the war against Spain required a new issue to the amount of forty-five thousand pounds.<sup>2</sup> Active military preparations were made for that war. The harbor of New London, which was thought specially exposed, was 1741-1742. fortified anew. A ship of war was equipped, and arms were distributed in the frontier towns.<sup>3</sup>

The Ministry, having proposed to raise four regiments in the American Colonies for service in the West Indies against Spain, required the Colonies to provide transportation and supplies till their troops should join the royal forces, — a demand to which Connecticut promptly acceded. Her soldiers were mustered among the New England volunteers,<sup>4</sup> a thousand in number, who shared in the misery of Admiral Vernon's disastrous expedition against Carthagena on the Spanish Main. Nine hundred of the thousand never returned.<sup>5</sup>

The short period of tranquillity which followed was employed by Connecticut, as was her custom, in attention to her domestic concerns. A committee of the most

<sup>1</sup> In 1730 an official report to the Board of Trade represented it as "computed to be thirty-eight thousand of both sexes and all ages, and about seven hundred Indian and negro slaves. The inhabitants are much increased within this ten years last past." (Conn. Col. Rec., VII. 584.)

<sup>2</sup> Conn. Col. Rec., VIII. 319, 327; comp. 357-360. Trumbull, Hist., II. 49, 266.

<sup>3</sup> Conn. Col. Rec., VIII. 273-277.

<sup>4</sup> In May, 1740, a law of Connecticut authorized the Governor to call out volunteers for the war in the West Indies, to the number of not more than five hundred, and promise them a bounty. (Conn. Col. Rec., VIII. 295, 296.) I do not find that the number of volunteers obtained from this Colony for the expedition was reported.

<sup>5</sup> Trumbull, II. 268.

eminent citizens was appointed, "with full power to inspect the laws . . . . and the same to revise and put into a form fit for the press."<sup>1</sup> A law "for the better regulating Schools of Learning," which appears to have been aimed against the followers of Whitefield, forbade all persons whatsoever to "presume of themselves to erect, establish, set up, keep or maintain, any college, seminary of learning, or any public school whatever, for the instruction of young persons, other than such as are erected by the laws of this Colony, without special license or liberty first had and obtained of the Assembly," and provided that "no person that has not been educated or graduated in Yale College, or Harvard College in Cambridge, or some other allowed foreign Protestant College or University, shall take the benefit of the laws of this government respecting the settlement and support of ministers."<sup>2</sup>

Connecticut, informed, like Massachusetts, of the prospect of a war with France, sedulously applied  
<sup>1743-</sup> herself to assume "the best posture of defence,"  
<sup>1745.</sup> fortifying her maritime and inland frontiers, providing arms and ammunition, and drilling her militia.<sup>3</sup>

When the expedition against Louisburg had been determined upon in Massachusetts, and application had been made to the other Colonies for aid, Governor Law of Connecticut convoked a special meeting of the Legislature, which immediately voted to enlist and arm five hundred men, besides a hundred seamen, and take upon itself the charge of their transportation, supplies, and pay.<sup>4</sup> They were formed into a regiment, and placed

<sup>1</sup> Conn. Col. Rec., VIII. 465, 505.

<sup>2</sup> Ibid., 500, 502. — At this Court, Wilks being dead, Eliakim Palmer, of London, was appointed to be agent of the Colony in England. (Ibid., 506.) Dummer, the former agent, had lived till 1739, but he

had been discharged from the agency some years before. (See above, Vol. IV. 580, note 1 ; comp. 578, note 3.)

<sup>3</sup> Conn. Col. Rec., VIII. 567 ; comp. Ibid., IX. 70-77.

<sup>4</sup> Ibid., IX. 83.

under the command of Lieutenant-Governor Roger Wolcott, to whom Governor Shirley, again overlooking the claims of Wentworth of New Hampshire, gave the place of second in command of the expedition. Three weeks after Pepperell's arrival at Canseau, Wolcott joined him there with the Connecticut contingent, bringing the army, with the New Hampshire men who had come four days before Pepperell, up to the number of four thousand men. During the siege, the Colony sent a reinforcement two hundred strong;<sup>1</sup> and after the troops first mustered had been released at the surrender of the place, three hundred and fifty men were contributed by Connecticut to the garrison, charged with holding it till permanent arrangements should be made in England.<sup>2</sup> The expense, as it was represented to the King, had "run the Colony extremely into debt, and reduced it to a very low ebb."<sup>3</sup> Yet Connecticut raised a thousand men, ten times as many as Virginia, for what proved the abortive enterprise against Quebec, in the following year.<sup>4</sup> When, some months later, Governor Shirley, with Governor Clinton of New York, projected a winter campaign against Crown Point, the General Assembly of Connecticut refused its aid, pointing out various existing circumstances so unfavorable as to make it prudent to husband for the present the resources of the Colony.<sup>5</sup>

At this time took place a domestic transaction as little creditable as any in the history of Connecticut. When, more than thirty years before, the northern boundary of that Colony was adjusted, Massachu-

1713.

<sup>1</sup> Conn. Col. Rec., IX. 144.

<sup>2</sup> Ibid., 155.

<sup>3</sup> Ibid., 160; comp. 157-161. — The following October 10, Thomas Fitch, afterwards Governor, was sent to England to solicit reimbursement. (Ibid., 185; comp. 177, 183.)

<sup>4</sup> Ibid., 211 *et seq.*, 231 *et seq.*

<sup>5</sup> Ibid., 262-264. — Oct. 3, 1747,

the Court ordered "that the public seal of this Colony be altered, and changed from the form of an oval to that of a circle . . . with a correction of such mistakes as happened in the spelling and letters in the inscription and motto." (Ibid., 333.)

setts had surrendered to it an equivalent in land for the towns of Woodstock, Suffield, Enfield, and Somers, which it was agreed should still remain within her jurisdiction, though a more accurate running of the line of latitude designated in the charter showed them to lie within the patent limits of Connecticut.<sup>1</sup> The greater weight of taxation in Massachusetts, or some better cause, prompted the inhabitants of those towns to desire to be annexed to Connecticut, to which Colony, they said, they had a right to belong, having been detached from it with no consent of their own, and without any royal confirmation of the proceeding. The Assembly of Connecticut lent a favorable ear to the representation. They resolved to make the most of the fact that the agreement had received no royal sanction, and appointed a commissioner to negotiate with Massachusetts for a retrocession.<sup>2</sup> Massachusetts, naturally disinclined to lose the fruits of a bargain into which, at best, she had in a manner been coerced, refused

1749.  
May. her consent to the arrangement. Connecticut directed her agent in London to present the matter to the King.<sup>3</sup> The traditional practice of the King's advisers, when any question of boundaries arose between the smaller jurisdictions and the powerful Colony of Massachusetts, to determine it against the latter, was not

<sup>1</sup> Conn. Col. Rec., V. 403; comp. 58, 319, 413, 418, 467, 564.

<sup>2</sup> Ibid., IX. 301. Hutchinson (Hist., III. 6) understood this movement of the towns to be due to their desire for relief from the taxes, a greater burden of which fell upon Massachusetts than upon Connecticut in consequence of the French war. His observations on the controversy are most judicious. "We have seen our inhabitants leaving us, and removing to other governments to live more free from taxes; and a few years ago, for this reason alone, four of our principal towns refused any longer to submit to our jurisdiction, and an-

other government found a pretence for receiving them, and they are not yet returned to us." (See Message of the two Houses of Massachusetts to the Governor, April 18, 1759, in Gen. Ct. Rec., XXII. 606.)

<sup>3</sup> Conn. Col. Rec., IX. 431-433; comp. 513. — Oct. 12, 1749, news having come of the death of Eliakim Palmer, agent of the Colony in England, Dr. Benjamin Avery, of London, was appointed in his place. (Ibid., 471, 472.) Avery declined the trust, and (May 10, 1750) Richard Partridge, of London, was substituted. (Ibid., 509, 512.)



departed from in the present instance. Connecticut got the disputed towns; and Connecticut — or Yale College, her assign — also kept the property which Massachusetts had paid to quiet the claim that had been made for them.<sup>1</sup>

The College, under the efficient presidency of Mr. Williams, had continued to rise in the public regard, of which it received substantial proof in the multiplication of endowments by the colonial government and by private benefactors. Bishop Berkeley, who became interested in it during his residence in Rhode Island, gave it money for the promotion of classical studies, and nearly a thousand volumes for its library. After thirteen years' good service, Rector Williams was compelled by feeble health to resign his place. He afterwards attained other kinds of consequence, in the characters of Speaker of the House of Representatives, Judge of the Superior Court, and colonel of one of the regiments raised for an invasion of Canada. In his academical office he was succeeded by Mr. Clap, minister of Windham, under whose administration the College, continuing to prosper, received from the Legislature a charter, which created a perpetual corporation, to consist of the President and ten other Trustees, with power to fill their own vacancies with Protestant successors, and to hold and manage funds, to appoint governors and instructors, to lay out courses of study, to confer degrees, and in general, without responsibility to any Board of Visitors, to do all acts necessary for carrying on an institution for study in the higher departments.<sup>2</sup>

A body of laws was adopted for the internal government of the institution, the laws of Harvard College having originally been the rule; and alphabetical and systematic catalogues of the small library were made.

<sup>1</sup> Trumbull. II. 298.

hundred pounds silver money . . . .

<sup>2</sup> Conn. Col. Rec., IX. 113-118.

to continue during the pleasure of the Assembly."

By the same act, the Colony made to the College an annual grant of "one

With funds to the amount of nearly twelve hundred pounds sterling, raised by a lottery and granted by the Legislature, a second college building was erected, a hundred feet long and three stories high. The plan of appointing a Professor of Divinity, much promoted by the President, arose from, and in its turn stimulated, discussions respecting the claims of private conscience in religion, and the extent to which doctrinal instruction ought to enter into a scheme of academical discipline. The Rector, whose notions accorded with the ancient rigor, defended his plan in a published treatise entitled "The Religious Constitution of Colleges." Against an opposition which this argument did not a little to provoke, the Rector carried his point with the Trustees; and

1758. Mr. Naphtali Daggett, a minister of Long Island, was made Professor of Divinity,—some affluent persons, who sympathized with the movement, having made contributions towards his support, and collections having been taken in the religious congregations under the authority of the General Court.<sup>1</sup> A church was formed in the College for separate worship and administration of the ordinances. The ecclesiastical policy of the Rector already divided the opinions of friends of the institution, and was offensive to large numbers of the in-

1763. habitants of the Colony. At a later period these dissensions took practical shape in an attempt, defeated by the very able opposition of President Clap, to withdraw it from the hands of the close corporation constituted by the charter, and bring it under the control of the Legislature, to be exercised through a Board of

1760. Visitors. At the time of the death of King George the Second, Yale College had sent out nine hundred and sixteen graduates, and had a hundred and forty-three undergraduate students, while the more ancient Harvard College had but a hundred and seventy-

<sup>1</sup> Conn. Col. Rec., X. 213.

one. The smallness of this disparity may have been caused partly by the easier terms of admission at the younger institution, and partly by its greater convenience of access from the southern and middle Colonies.

The administration of Governor Law was chiefly marked by its opposition to the religious revival promoted by Whitefield and his friends. Law, dying in <sup>1741-</sup><sub>1750.</sub> office, was succeeded by Lieutenant-Governor Roger Wolcott,<sup>1</sup> of Windsor. After three years' satisfactory service, Wolcott fell under the displeasure of the voters, on account of a supposed want of vigilance in protecting a Spanish vessel which had put into New London in distress, and had there been robbed of part of her cargo. The Spanish ambassador in London complained of the transaction. It was supposed that the Colony might have to make good the loss; and from that apprehension, as well as from resentment of what was represented as official negligence, Wolcott at the next election was superseded in the chief magistracy by Thomas Fitch, of Norwalk, whose place as Lieutenant-Governor was taken by William Pitkin. Fitch was Governor twelve years, at the end of which time his public career was brought to an end by his unpatriotic course in relation to the questions which had arisen with the mother country. In Wolcott's administration, the currency had so far recovered a healthy condition that the Legislature felt safe in directing the Treasurer "to issue or pay <sup>1753.</sup>

<sup>1</sup> In Wolcott's first year (Oct. 9, 1751), the county of Litchfield was established. (Conn. Col. Rec., X. 56.) In the spring of that year died Frederick Louis, Prince of Wales and heir apparent to the British throne; and the agonies of the bereft parent must have been greatly soothed by the address of condolence of his subjects of Connecticut on "the unspeakable loss of so excellent a prince, so justly dear to your Majesty." (Ibid., 61.)

In Wolcott's time there is a definite indication of the relaxation of the rigor of the public sentiment in respect to religious profanations. In October, 1752, John Green of Norwalk, convicted of blasphemy, was lying under sentence of death for that crime, when the Assembly interfered, and commuted the penalty to paying a fine at the discretion of the Court, standing in the pillory, and giving bonds for future good behavior.

out no more of the bills of credit of the Colony on any occasion," though not two years had passed when military exigencies required a temporary and cautious recurrence to the same expedient.

1754.  
June. It was presently after the first election of Fitch that the attempt, described in a preceding chapter, was made in the convention at Albany to frame a federal constitution for the Colonies. Wolcott was one of the three commissioners for Connecticut, and, with his associates, resisted the plan, as threatening to those liberties which in their mutually independent condition the Colonies had hitherto enjoyed. The General Assembly adopted their view, and instructed its agents in England to employ counsel to oppose the project before the Committee of Parliament. The Assembly thought that "the limits of the proposed plan of union were of too large extent to be in any good manner administered, considered, conducted, and defended by one President-General and Council;" and that the scheme tended "to subvert the liberties and privileges, and to discourage and lessen the industry, of his Majesty's good subjects inhabiting these Colonies." If any confederacy were to be established, Connecticut desired that there should be not one only but two, so as to leave the northern Colonies unconnected except with each other. There is no doubt that her opposition to the whole scheme was entirely sincere.<sup>1</sup>

Great energy and spirit marked the military proceedings of Connecticut at this time.<sup>2</sup> In the campaign

<sup>1</sup> Conn. Col. Rec., X. 292.

<sup>2</sup> For military subsidies on the most liberal scale, see, *e. g.*, votes passed by "the General Assembly of the Governor and Company of his Majesty's English Colony of Connecticut in New England in America" (such was the precise legal style), March 13, Aug. 27, 1755; Jan. 21, Feb. 12, March 17, Sept. 8, and Oct.

14, 1756; Feb. 9, 1757; March 8, 1758; March 8, May 10, 1759; March 13, 1760. Conn. Col. Rec., X. 336, 401, 449, 461, 476, 543, 553, 597; XI. 90, 219, 244, 347. — In the printed "Collections of the Connecticut Historical Society" (I. 257–332) is a series of letters "from originals mostly in the possession of the Society," which passed between the government of

about Lake George, her troops, three thousand or more in number, were active and serviceable. To Phinehas Lyman, who commanded them, and not to William Johnson, belonged the glory of Dieskau's defeat. New York, not being able to raise its complement of men, was permitted by the Assembly to enlist three companies in Connecticut.<sup>1</sup>

Four hundred of the French Neutrals, transported from Nova Scotia, were brought to that Colony, and were billeted upon the towns, to be maintained "as though they were inhabitants," the number in a party varying from nineteen apportioned to New Haven to three assigned to Haddam. It was ordered that families should not be separated, and that the sick and aged should not be liable to removal, but should be maintained by the Colony wherever they might be.<sup>2</sup> In the same year Connecticut placed twenty-five hundred men under the command of the Earl of Loudoun, twice as many as her due proportion of the levy from New England and New York;<sup>3</sup> and the disappointment of her people at the inefficiency and failures of that nobleman and of his successor was proportionably great. The conviction was general that, under colonial officers, the expeditions which had so wofully miscarried could not have failed of success. The wretched misconduct of General Webb in the next year increased the resentment and apprehensions. All was discouragement and gloom.

When William Pitt came into power, there was a revival of hope. His assurance that the King had "nothing more at heart than to repair the losses and disappointments of the last inactive and unhappy campaign," was followed by a call for twenty thousand men

1757.

June.

Connecticut and the British Ministry at this time. They mainly relate to the operations of the war, in respect to which they show the utmost alacrity on the Colony's part.

<sup>1</sup> Conn. Col. Rec., X. 390.

<sup>2</sup> Ibid., 452.

<sup>3</sup> Letter of Governor Fitch to Secretary Fox, July 22, 1756.

from New England, New York, and New Jersey, to be used in the reduction of Canada. Connecticut promptly replied by offering, as her own share, what was at once a quarter part of that force and "a quarter part of the militia of the whole government."<sup>1</sup> She was again to be disappointed and disgusted by the mismanagement and discomfiture of General Abercrombie before Ticonderoga. When another requisition came for a large force of troops, it was received with uneasiness but without dismay. In three successive years Connecticut had placed in the field three thousand, twenty-five hundred, and sixty-four hundred men,—a contribution nearly three times as great, in proportion to her population, as that of some other Colonies; and to meet in part the expense of such a levy, her taxation had been enormous. Yet, under such exhaustion, the Assembly resolved to raise four regiments more, of a thousand men each, of one of which Israel Putnam was Lieutenant-Colonel.<sup>2</sup> General Amherst thought this force was not large enough; and on his urgent representation the Assembly tried the patriotism of its constituents by adding another thousand men, offering to each man further enlisted a bounty of seven pounds. When Quebec had

<sup>1</sup> Letter of Governor Fitch to Pitt, April 10, 1758. See Conn. Col. Rec., XI. 93.

<sup>2</sup> May 13, 1756, the Assembly made a grant of fifty Spanish milled dollars to Captain Israel Putnam, "as a gratuity for extraordinary services and good conduct in ranging and scouting the winter past for the annoyance of the enemy near Crown Point." (Conn. Col. Rec., X. 538.) March 8, 1758, when Connecticut raised four regiments, each to consist of twelve companies and twelve hundred and fifty men, Putnam was appointed Major of the third regiment; and, the following May 11, he received another gratuity of twenty pounds, lawful money, "as a reward for his extraordinary services in the

two last years' campaigns." (Ibid., XI. 126.) March 8, 1759, he was promoted to be a Lieutenant-Colonel, and at the same time David Wooster (killed while a general officer in the war of Independence) was made a Colonel. (Ibid., 226.) This military activity did not engross the activity of the government. Oct. 11, 1759, the Assembly directed the reprinting and distribution among the towns of two thousand copies of the Saybrook Confession of Faith. (Ibid., 333.) In May, 1760, the Assembly, informed by Governor Pownall of the great fire in Boston, recommended a contribution in the churches for the relief of the sufferers. (Ibid., 384.)

been taken, but the conquest of Canada remained yet incomplete, Connecticut once more raised five thousand men for the service of the year.<sup>1</sup> The junction of the three English armies before Montreal, and the surrender of that city, put an end to the desperate struggle of more than three quarters of a century, and opened that new chapter in New England history to which the reader's attention is presently to be invited.

During the last twenty years of the life of King George the Second, the force of circumstances partially redeemed Rhode Island from her old isolation to a place within the political sphere of New England. Within this period only one of her Governors (William Greene) held his office for as many as seven consecutive years, and only one other (Stephen Hopkins) for more than two. Her legislation, from year to year, related mainly to the occasions of the wars with Spain and France, in the latter of which wars especially she took an active part. Rhode Island was represented by two commissioners at Albany in the Colonial Congress which projected the abortive Plan of Union;<sup>2</sup> and when their report was made, the Assembly dismissed the matter by accepting the report and "reserving to themselves a further consideration, whether they will accede to the general plan proposed."<sup>3</sup>

To some persons in Providence and other towns, who, "desirous to promote useful knowledge," had raised a sum of money sufficient to purchase books to furnish a small library, the Assembly gave "leave at their own proper cost to erect shelves" on two sides of the Council Chamber, for the accommodation of their literary stores, considering that there would still be left "sufficient room for the General Council to sit comfortably there," and

<sup>1</sup> Conn. Col. Rec., XI. 349.

<sup>2</sup> R. I. Rec., V. 394.

<sup>3</sup> R. I. Rec., V. 384-386.



that the books would "afford an agreeable amusement to the members in their leisure hours."<sup>1</sup> It was not till the year before the capture of Quebec that the first newspaper, the "Newport Mercury," was established in Rhode Island. That Colony, like Connecticut, invited its people, in their religious congregations, to contribute "towards the relief of the unhappy sufferers in the calamity of the great fire in the town of Boston."<sup>2</sup> On the death of the Quaker Richard Partridge, the colonial agent in England, Joseph Sherwood, of London, was appointed to succeed him in that trust.<sup>3</sup> Freemen — defined to be persons "truly and really possessed of land or real estate . . . . of the full value of forty pounds lawful money, or that will rent yearly for forty shillings lawful money, or the eldest son of such a freeman" — were dispensed from the burdensome obligation of making a journey to Newport to vote at the general election, and permitted to deposit their votes at the town meeting in their own towns.<sup>4</sup> The death of King George the Second, and the accession of his grandson, were commemorated with pompous ceremony.<sup>5</sup>

In the wars with the French, the nautical habits of the people of Rhode Island determined that the service rendered by her should be chiefly at sea, and it was computed that in the year of the last campaign against Canada "nearly one fifth part of the adult male population were engaged on board of private armed ships."<sup>6</sup> In 1741. the exigencies of war, the power of "freemen and soldiers to choose their own military officers" was recognized as being "vastly prejudicial to the Colony,"

<sup>1</sup> R. I. Rec., V. 379. This library was in Providence. The Redwood Library, in Newport, was older, having been incorporated in 1747. (Ibid., 227.) The latter took its name from Abraham Redwood, of Newport, who endowed it with five hundred pounds.

<sup>2</sup> R. I. Rec., VI. 251.

<sup>3</sup> Ibid., 226; comp. 214.

<sup>4</sup> Ibid., 256, 257.

<sup>5</sup> Ibid., 266.

<sup>6</sup> Arnold, History of Rhode Island, II. 217.

and the appointment of officers was again declared to be a function of the General Assembly.<sup>1</sup> The Colony voted to raise, for the expedition against Louisburg, not to exceed three hundred and fifty men to be paid by Massachusetts, and not to exceed one hundred and fifty men to be paid by itself;<sup>2</sup> but the operation was tardy, and they did not arrive till the place was taken. An armed sloop belonging to Rhode Island, with a crew of a hundred and thirty men, was joined with a Connecticut vessel in conveying the Connecticut troops, and rendered good service throughout the campaign; Rhode Island seamen were enlisted and impressed to man the French prize, the *Vigilant*;<sup>3</sup> and two private armed ships of Newport were chartered for the war by the government of Massachusetts. Other privateers captured more than twenty French vessels; and after the fall of Louisburg, Rhode Island contributed some men to the garrison, which held it till the arrival of regular troops from Europe.<sup>4</sup> In the distribution of the English subsidy to the New England Colonies for this conquest, Rhode Island received six thousand three hundred and twenty-two pounds sterling. She entered with alacrity into the abortive scheme of the following year for an invasion of Canada.<sup>5</sup> She concurred with Connecticut in declining to engage in Shirley's rash project of a winter campaign against Crown Point.<sup>6</sup> In

<sup>1</sup> R. I. Rec., V. 3; comp. above, Vol. IV. 472.

<sup>2</sup> R. I. Rec., V. 106.

<sup>3</sup> Ibid., 118, 119, 122.

<sup>4</sup> Ibid., 127. — The Lords of the Admiralty informed the Governor (July 8, 1748) that it had been reported to them "that there was an iniquitous trade subsisting between the Colony of Rhode Island and the King's enemies, under color of flags of truce." (Ibid., 258.) And Shirley complained that seamen, deserting from the naval service of Massa-

chusetts in the expedition against Cape Breton, were harbored in Rhode Island. (Ibid., 136.) The mariners of Rhode Island had liberal notions respecting the privileges of the sea. Feb. 2, 1758, Pownall wrote to Pitt of maltreatment of Spanish merchantmen by privateers of that Colony. (Comp. *ibid.*, VI. 55, 73, 101.)

<sup>5</sup> R. I. Rec., V. 162, 172, 174, 178, 180, 183, 191, 193, 257.

<sup>6</sup> Ibid., 207, 209, 211; comp. above, p. 193.

the year before the conclusion of this war, the population of the Colony was thirty-four thousand one hundred and twenty-eight, of whom four thousand three hundred and seventy-eight were negroes and Indians.<sup>1</sup>

At the beginning of the next war, at which late period Governor Shirley imagined himself justified in writing of Rhode Island to Secretary Robinson, "The reins of their government prove now so loose that a spirit of mobbism prevails in every part of it," the total population of the Colony had increased to nearly forty thousand.<sup>2</sup> There were eight thousand two hundred and sixty-two men of military age; and fifteen hundred men were soon serving at sea in private armed vessels. In the campaign at Lake George, Rhode Island had seven hundred and fifty men.<sup>3</sup> In the alarm occasioned by the defeat of Colonel Monro, at Fort William Henry, one sixth part of the fighting men of the Colony were placed under marching orders; but the fright passed away, and

they did not move.<sup>4</sup> When Pitt called for a general colonial muster, Rhode Island proposed to furnish a thousand men;<sup>5</sup> and a part of them were with Abercrombie at the disastrous attack on Ticonderoga.<sup>6</sup> Of the three thousand provincial troops led by Colonel Bradstreet against Fort Frontenac, more than three hundred were from Rhode Island.<sup>7</sup> In the following year, the Assembly sent to Sir Jeffrey Amherst at Albany a reinforcement of a thousand soldiers<sup>8</sup> for that movement

<sup>1</sup> Arnold, Hist., II. 173; R. I. Rec., V. 270. — Ten years later (Feb. 24, 1758), commissioners appointed to arrange with Lord Loudoun respecting a levy of troops, informed him "according to the best information we can get, the Province of the Massachusetts contains two hundred and six thousand inhabitants; the Colony of Connecticut, one hundred and thirty-four thousand; the Colony of Rhode Island and Province of

New Hampshire, thirty-six thousand each." (Ibid., VI. 125.)

<sup>2</sup> R. I. Rec., V. 469; comp. Arnold, II. 197.

<sup>3</sup> Ibid., 196.

<sup>4</sup> R. I. Rec., VI. 75.

<sup>5</sup> Ibid., 129.

<sup>6</sup> Ibid., 164.

<sup>7</sup> Ibid., 166.

<sup>8</sup> Ibid., 190; comp. 239, 244, 245, 253.

of his towards Quebec, which was completed in the following year by the conquest of Canada.

Such operations required money or a substitute for it. When, in similar circumstances, intelligent and sober Massachusetts was so imprudent, it does not surprise the reader to learn that Rhode Island was reckless.<sup>1</sup> When the reimbursement of the expedition against Louisburg came from England, Governor Shirley urged the little Colony, but in vain, to imitate the example of Massachusetts in applying it to the resumption of a solid currency. Rhode Island refused to be wise, though the consequence was that much of her considerable trade left her for Massachusetts, where now it could be safely conducted.<sup>2</sup> At the time of the peace of Aix-la-Chapelle, exchange on England was sold in Rhode Island at the rate of more than ten for one.<sup>3</sup>

<sup>1</sup> This recklessness was not for want of warnings from sensible men. See R. I. Rec., IV. 580; V. 75, 311 (comp. 315, 329), 336. In 1740 Governor Richard Ward made a full report to the Lords of Trade of the progress of the paper-money system (which he favored) in Rhode Island from 1710 to that date. (Ibid., V. 8-14.) When he wrote, the out-

standing bills of Rhode Island amounted to £340,000, estimated by him to be equivalent to £88,074 16s. 10½d. in sterling money. (Comp. *ibid.*, 283-287.) At the end of 1747 seven pounds and a half of the currency of the Colony were worth a pound sterling. (Ibid., 236.)

<sup>2</sup> Arnold, II. 170.

<sup>3</sup> R. I. Rec., V. 263.



# **BOOK VI.**

**PROGRESS UNDER KING GEORGE THE THIRD**





## BOOK VI.

### PROGRESS UNDER KING GEORGE THE THIRD.

#### CHAPTER I.

JUST a hundred years passed between the restoration of the Stuart dynasty to the throne of England and the accession of the third monarch of the line of Hanover. The former event inflicted on New England some of the evils which had been apprehended ever since the period of the colonization, and was working towards a consummation of the ruin, when the revolution under the Prince of Orange brought relief to Englishmen on both sides of the water alike. At first the despotic Governor who represented King James the Second had seemed to possess a power secure against resistance. The Colonies of New England were not even united among themselves. United, they could have offered but feeble opposition to the military and naval strength of England, organized as it had been by the great Protector and his associates, and now transferred to hostile hands. The friends of the colonists in England — the patriot party — had been defeated, and were for the time discouraged and disabled. The conditions of the accomplishment of the early dream of ultimate independence had ceased to exist. It does not belong to the temper of Englishmen to submit to permanent servitude; but whatever hope had once been entertained of relief by separation from the misgoverned

kingdom, had been dispelled in the course of events that could not be recalled.

The forms of government which the elected King allowed to stand in Connecticut and Rhode Island were satisfactory to the people of those Colonies. Those which he gave to Massachusetts and New Hampshire, if far from being all that could be reasonably wished, were generally acknowledged to be as good as, in the circumstances, could any way be had, and such as a free people could contentedly live under. Even regarded from the colonists' point of view, it could not be said that those constitutions embodied and perpetuated any considerable practical grievance. They respected religious liberty, and they ostensibly provided for the cis-atlantic Englishman the traditional English securities for life, person, reputation, and property. Some of their provisions admitted different interpretations and applications; and out of these differences from time to time questions arose between the Colonies and those who were administering the affairs of the parent country, as has been seen in the course of this narrative. But these questions were susceptible of being dealt with by discussion and management, as questions of internal administration were dealt with in England by opposing parties. The English dissenters, for instance, aggrieved by the ecclesiastical policy of Queen Anne's reign, did not expect to right themselves by revolt, but by argument and agitation, and a judicious use of as many votes as from time to time they could command in the House of Commons. So the people of Massachusetts, if a royal Governor was too officious about his prerogative, checked him by a diminution of his pay; if they thought him too extravagant in his projects, they cut down his supplies; if a law which they thought useful was disapproved in England, they tried it again with some change of phraseology, or they coaxed or annoyed the Ministry into allowing it by making or promising or threatening

some other provision which fell within their unquestioned competency. In their occasional disagreements with the Governors and the Ministry, they sometimes pleaded warmly in their public documents, as they cherished fondly in their hearts, their rights by charter, and their older and more venerable rights as Englishmen.

It was entirely supposable that an outrageous assault upon those rights should provoke them to disown, resist, and, if in their power, depose the authority which attempted so to oppress them. But they were not in the habit of anticipating that any such occasion would arise. They expected to be able from generation to generation to maintain and right themselves by peaceable and legal methods. Charters are composed of words, and words are susceptible of different constructions, and opposing parties will construe an instrument according to their respective judgments, interests, prejudices, and passions. But when there turn out to be irreconcilable differences of construction, a party can often enforce its own by sagacious and resolute perseverance in some use of some undisputed power possessed by it. A fanciful mind might indeed conceive all sorts of dangers. As England had once claimed to dictate to the ancestors of the colonists their religious faith (a wrong which they had escaped by expatriation), so it was possible that she might claim to take their property to herself by taxation, or military imposition, or other form of spoliation. But no such intolerable claim had yet been made. Nothing had been done by the post-revolutionary sovereigns to justify insurrection on the part of their colonial subjects. And so, from the time of the establishment of a Protestant succession to the British throne, a political separation from Great Britain was foreign to the meditations of the people of New England. Without doubt, the thought may occasionally have crossed their minds that independence might come in the course of time, but there was no desire to

precipitate, and no habit of contemplating it. As long as they could protect themselves without it, the existing state of things sufficed.<sup>1</sup>

Nor was there anything in existing circumstances to encourage an aspiration for independence, had it formed itself in enthusiastic minds. Much as New England had grown between the expulsion of King James the Second and the end of the last French war, she was relatively less powerful, when compared with England, at the end of that period (when her population may have amounted to five hundred thousand persons), than at the beginning. Not only in the parent country would she have no friends in any aim of hers at independence; on the contrary, the English dissenting body, so closely allied with her in the seventeenth century, was to a great extent the mercantile body, and the English merchants through all the present century had for their own advantage been the great

<sup>1</sup> Samuel Adams dated his first thought of independence from 1768. (Wells's Life of S. Adams, I. 207; see Frothingham, Rise of the Republic, p. 68, note.) John Adams dreamed of it, but as distant and contingent, some years earlier. (Life and Works of John Adams, I. 23; comp. IX. 591, 592.) In 1820 Mr. G. A. Otis sent to John Jay and John Adams each a copy of his translation of Botta's "History of the American Revolution." In acknowledging the present, both the veteran statesmen took exception to Botta's statement of a long existence in America of a desire for independence. Mr. Jay wrote in reply: "During the course of my life and until after the second petition of Congress (in 1775), I never did hear any American of any class or of any description express a wish for the independence of the Colonies." He referred to Dr. Franklin's language to Lord Chatham, March 22, 1775. "I assured him that having more than once travelled almost from one

end of the continent to the other, and kept a great variety of company, eating, drinking, and conversing with them freely, I never had heard in any conversation with any person, drunk or sober, the least expression of a wish for a separation, or a hint that such a thing would be advantageous to America." And Mr. Jay added: "It has always been, and still is, my opinion and belief that our country was prompted and impelled to independence by necessity and not by choice." Mr. Adams wrote: "There might be times and circumstances in which an individual or few individuals might entertain and express a wish that America was independent in all respects; but these were *rari nantes in gurgite vasto*. . . . That there existed a general desire of independence of the Crown in any part of America before the Revolution is as far from the truth as the zenith is from the nadir." (Original letters of Jay and Adams, in the possession of Jeremiah Colburn.)

movers of the oppression of New England, through their demands for a rigid enforcement of the colonial system. Nor, had the people of New England conceived such an enterprise, could they look to any allies on this continent. They had no considerable political relations with the other continental Anglo-American Colonies, — except the too often unfriendly relations with New York. They had not as much intercourse or acquaintance with Virginia or Georgia as with Jamaica or Barbadoes; nor was there so much as preparation for a good mutual understanding and for common endeavors. The origin, religion, institutions, habits of the people of New England — to no little extent their principles, tastes, and pursuits — were different from those of the other English plantations in America.<sup>1</sup> For New England in such circumstances to entertain a plan of throwing off by force her allegiance to Great Britain would have been preposterous folly.

Nor, at the period of New England history at which we now pause, can any desire whatever to that effect be traced. The people of those Colonies were even affectionately loyal. By none in his wide domain was the well-reputed youth who now came to the throne greeted with a warmer welcome. No British subject was prouder than the Puritan of New England

“ That Chatham’s language was his mother tongue,  
And Pitt’s great name compatriot with his own.”

Through anxious years the colonist and the native-born Briton had been standing side by side against the common foe; and now the great victory their united arms had won, had given the colonists a security in their homes such as neither they nor their fathers had ever known since the first cabin was set up on New England soil. They had had little cause of complaint against the King’s generals. Of Braddock they had had no direct experi-

<sup>1</sup> See Sparks’s Franklin, IV. 41–44.

ence ; with Shirley they maintained an amicable understanding. The passage between Massachusetts and the passionate Lord Loudoun had scarcely left a scar. With Abercrombie there had been no collision, though there had been keen disappointment. Amherst, throughout their prosperous career under his conduct, had treated the Colonies with marked consideration and friendliness. For some of the British officers, as Lord Howe, they cherished sentiments of warm attachment. Even the qualities which to foreigners have made Englishmen seem unamiable — their arrogance, assumption, superciliousness — were to the colonists less offensive because they were Englishmen themselves, glorying as such in the triumphs which England had been winning in every quarter of the world.

Had the existing circumstances been different, it would not have been surprising had New England conceived the scheme of independence, so constantly was it brought to her notice by unfriendly imputations. As often as one of her legislatures deliberated on the most convenient way of complying with a royal requisition, — especially when it hesitated to meet the wishes of a royal Governor, — the Governor's despatches to the Board of Trade bore vehement warnings of its disloyalty, and ambition to release itself from its political subordination. Representations to this effect make a perpetually recurring topic in the letters of the King's officers, from the time when Fletcher, King William's Governor of New York, baffled in his pretension to command the militia of Connecticut, informed the Board of Trade that "they set up for a free State," to the time of Francis Bernard, ruling Massachusetts for the last King from whom she received a ruler. And all this time the colonists, meditating nothing of the kind, were only refusing to surrender the rights which belonged to them as communities of Englishmen and as chartered corporations.

The seventy years which intervened between the expulsion of the Stuart Dynasty from Great Britain and the simultaneous occurrences of the conquest of New France and the accession of a new sovereign, could not fail to bring about alterations in the condition of society and of mental culture in these Colonies. We naturally represent to ourselves some softening of the rigid features of the primitive manners ; and that imagination is confirmed by such intimations as accident has preserved of a thing so evanescent as the habits of social life.<sup>1</sup> The two Colleges, always objects of reverential popular regard, faithfully kept up the traditions of learning in the favored classes. Their range of studies was limited, but scarcely more so than that of the great schools of the parent country. The mathematical Professor at Cambridge was thought eminent enough in science for an election into the Royal Society ;<sup>2</sup> and the pretensions of that school to proficiency in classical learning were sustained by the aptness of its pupils at quotation from the classics as seen in their writings of different kinds, and by such books of theirs as the learned treatise on Latin prosody by James Otis and the collection of poetical compositions in Greek and Latin in which the College paid its court to the new King.<sup>3</sup> The com-

<sup>1</sup> Chief Justice Samuel Sewall died in 1730. It is not supposable that in social amenities there was subsequently a decline; and the picture presented to us in his Diary exhibits the domestic and neighborly intercourse among his contemporaries as conducted on an agreeable and genial footing, — simple, no doubt, in comparison with that of the later times when public amusements came into favor, but courteous and cordial. Comp. above, p. 44, note.

<sup>2</sup> John Winthrop, who filled the office from 1738 to 1779.

<sup>3</sup> July 1, 1761, the Governor wrote to Lord Egremont that he sent him the “ ‘*Pietas et Gratulatio*,’ a small

collection of verses on the subjects of his Majesty’s accession and marriage.” “This undertaking,” he says, “was not begun till the beginning of last summer. When it was near completed, the advice of the King’s marriage arrived, when it was thought desirable to enlarge the small collection by adding a few pieces on the happy occasion. This carried the work into the winter, since which it has waited for a safe conveyance.” The copy of this work in the library of Harvard College contains a list of the writers to whom respectively the poems, which were in Greek, Latin, and English, were attributed. President Holyoke and Professors Sewall and



mon schools — for which with such praiseworthy prospective wisdom an early provision had been made — had in the two chief Colonies been teaching the rudiments of knowledge to every child of all the generations of New England; and the printing-press had been actively at work from the beginning of her history.<sup>1</sup> Twice every week all her people sate down to listen to able men (for the pulpits of New England then admitted no others), accomplished in the best learning of the time; and while

Winthrop were among the writers, as were the Governor, Chief Justice Oliver, James Bowdoin, Dr. Church, Dr. Samuel Cooper, and John Lovell, master of the Boston Latin School. (There is a critique of this collection, by A. H. Everett, in the Boston Anthology for June, 1809, p. 422. In a letter to R. Jackson, Feb. 7, 1763 [Sparks's MSS. of Bernard, II. 260], Bernard describes the getting up of "Pietas et Gratulatio." In a letter from Professor Lane of Harvard College, dated April 10, 1876, relating to these "poetical effusions," these words occur: "Though I do not admire the kind, these seem to me not bad specimens of the kind.")

<sup>1</sup> In turning over Mr. Haven's invaluable list of books printed in America before 1775 (Archæol. Amer., VI. 309 *et seq.*), I have remarked no American reprint before 1709 of an English book, except Baxter's "Call to the Unconverted" and Bunyan's "Pilgrim's Progress," published in Boston, respectively in 1702 and 1706. There may have been other reprints of English works, but I think none of any note. For a century from 1639 (the date of Pierce's Almanac and of the "Freeman's Oath," the first-fruits of the American press), almanacs were printed every year. But with this exception, and that of the occasional issue of laws and other public documents, nearly all the publications down to the period which

this narrative has now reached, were of sermons and other religious treatises. The large majority of works of this kind were of domestic production, though a book of John Flavel was reprinted in 1709; a discourse of Bishop King, and another of Bishop Williams, in 1712; Matthew Henry's "Communicant's Companion" and "Plain Catechism," in 1716 and 1717; Leslie's "Short and Easy Method with the Deists," in 1719; Jeremy Taylor's "Contemplations," in 1723; and Scougal's "Life of God in the Soul of Man," in 1725. The version of the Psalms by Tate and Brady was reprinted in Boston in 1737, as the version of Watts had been in 1729. This was followed in later years by several of Watts's other writings, for he was held in special esteem in New England. The whole number of reprints of English publications in New England down to the accession of Governor Shirley (in 1741) did not much, if at all, exceed twenty, and for many years later they were far from numerous. There was a Boston edition of Locke on Toleration in 1743, of Richardson's "Pamela" in 1744, and of Addison's "Cato" in 1750. The Boston reprint, in 1728, of Swift's "Discourse of the Contests and Dissensions between the Nobles and the Commons of Athens and Rome" was said by Prince to have been promoted by Governor Burnet.

their convictions and characters were moulded by this vigorous instrumentality, their understandings and their taste received a wholesome stimulus and a generous nurture. Of the eloquence of the pulpit we are able to judge from abundant printed specimens ; and we see that in the times of Jonathan Mayhew and Samuel Cooper it had become polished as well as vigorous, and that, on the whole, in times earlier than theirs, it did not fall sensibly below the standard in the parent country. In the beginning of the reign of King George the Third, New England boasted not a few deeply read lawyers and accomplished advocates.<sup>1</sup> On the character of deliberative eloquence at the time, we cannot positively decide, for as yet debates in the legislative assemblies were held within closed doors, and no reports of them got abroad. But it is impossible to doubt the powers in debate of the men from whose hands came those addresses to the Governors which the newspapers brought before the public eye. The newspapers were a useful instrument of general education, though as yet, in the provinces of New England as well as at home, they scarcely pretended to a higher function than that which is expressed by the name. Genius for poetry had not yet appeared. What verses were produced had not merit enough to cause them to be preserved, except as curiosities. Perhaps the earliest fictitious narrative of New England origin was "The Algerine Captive," published in 1797, — a youthful production of the afterwards distinguished politician Royal Tyler. To near the end of the colonial period there was next to nothing that could be called knowledge or study of the Fine Arts. A few pictures, chiefly portraits, hung in the great houses ; but,

<sup>1</sup> For abundant proof of this, see Washburn's "Judicial History of Massachusetts," the Diary of John Adams in Vol. II. of his "Life and Writings," and "Reports of Cases," &c., by Josiah Quincy, Jr. Lord John

Russell says (Life and Times of C. J. Fox, p. 43) that "of Blackstone's Commentaries nearly as many copies were sold in America as in England." The Commentaries were published in 1764.

if painted in this country, they were mostly works of Smibert and Blackburn. As yet, except Copley, whose career was chiefly European, there was no native painter. Sculpture there was none. Ornamental architecture, even for public buildings, had not come to be much considered. Faneuil Hall, the Town House, and the Province House in Boston, were merely structures convenient for their uses. King's Chapel was the earliest building in the same town which had any pretensions as a work of art. Till Harvard Hall — which is said to have been designed by Governor Bernard, and in its original form was not without elegance — was built, the college buildings had no better symmetry than that of barracks. Christ Church in Cambridge, though a wooden structure, testifies to the good taste of its builders, as did the houses of several of the King's officers in the same town and in Boston, of Shirley in Roxbury, and of Hutchinson in Milton. Music was little cultivated except as subsidiary to psalmody.<sup>1</sup> Dramatic exhibitions were pro-

<sup>1</sup> A learned friend writes to me that in his opinion "*singing-schools* were the foundation of secular social gatherings in New England, and a very important element in social progress." They were, he says, "first established in the country towns, about the year 1720, and were soon in operation all over the Province (of Massachusetts), if not throughout New England. These schools were the first secular assemblies of the people, except militia musters, schools, courts of justice, and the General Court; and they were the first evening entertainments. They brought about a revolution in social habits, elevated the public taste, brought the sexes together under circumstances more favorable to romantic attachments, led to the reading of secular literature, including books of fiction, were the precursors of purely social

assemblies, and to them can be traced the toleration of the stage and the growth of that great academy of the common people, — the modern lecture system.

"The public had been educated to the point of approving the last clause of section 2, chapter 5, of our State Constitution, either in the singing-schools, or by the reflex influence of those changes in social life and manners which followed the establishment of these simple instruments of progress.

"Improvement in music was attended or soon followed by great changes in the Puritan psalmody, and Ainsworth and the Bay Psalm-Book were superseded by paraphrases or revised and smoother versions and more liberal translations; and, finally, after a struggle which ended just before the Revolution, in the adop-

hibited by law.<sup>1</sup> Dancing was as yet little practised in reputable circles. — So homely, yet refined by such a tone of mental cultivation, was the state of society in the two more considerable Colonies of New England at the period when their action on the world's affairs became observable.<sup>2</sup> And all the softening of their ancient rigor and advance in mental graces were so much assimilation and

tion of Dr. Watts's imitations of the Hebrew psalms.

“To understand the importance of this change, requires only a proper appreciation of the reverence with which the literal words of Scripture were regarded by our forefathers, — as the very idiom of Jehovah, the very breath of his Holy Spirit. Nothing more nor less than an exact metaphor could be allowed, without incurring the penalties threatened in the Apocalypse.

“Yet in the period of less than eighty years from the arrival of the Charter, this great revolution had been actually accomplished in the manner I have indicated, — not, however, without bitter strife between the parties into which the whole Province was divided.

“1690, when musical characters began to be printed in the psalm-books; 1720, when singing-schools were first established; and the Revolutionary period, when Dr. Watts's Imitations and Hymns began to be generally adopted, and William Billings had founded a school of music peculiarly *American*, — are epochs in the early history of cis-atlantic art.”

<sup>1</sup> Minot, History, I. 142; R. I. Rec., VI. 325; comp. N. H. Prov. Papers, VI. 831.

<sup>2</sup> For an indication of that kind and degree of mental accomplishment of women at this period, which, attained by some, must be supposed to have been the ambition of many, and to have been approached at greater or less distance by not a few, I know

not where better to look than to the published letters of Abigail Adams, wife of the second President of the United States. Mrs. Adams was married in 1764, so that her infancy and girlhood were passed between the year of the expedition against Cape Breton and the year of the Stamp Act. As a clergyman's daughter she was by birthright a member of the best society, enjoying all its advantages for education and introduction into life, and at the same time not separated from her contemporaries by opportunity for those accomplishments which only wealth can command. The biography of her husband records her familiarity in early years “with the pages of Shakespeare and Milton, of Dryden and Pope, of Addison and Swift, of Tillotson and Berkeley,” with Butler and Locke, with Thomson, Collins, and Young. (Life and Works of John Adams, I. 63.) “The young ladies of Massachusetts in the last century were certainly readers, even though only self-taught, and their taste . . . was derived from the deepest wells of English literature. The poets and moralists of the mother country furnished to these enquiring minds their ample stores; and they were used to an extent which it is doubtful if the more pretending and elaborate instruction of the present generation would equal.” (Letters of Mrs. Adams, XXVII.) Mrs. Adams's mind had a furniture and a finish such as are not often found among young women of the present day.

so much attraction to the types of manners and society in that parent country which they still habitually called "home."

In the course of the preparations for the last French war, some special causes for jealousy of the Colonies had presented themselves to the British government. While the plan for a sort of colonial union for the common de-

fence, which, proposed by Franklin, had received  
1754. the general approbation of the meeting of delegates at Albany, had found less favor with the several legislatures on account of being thought to give too much power to the Ministers of the Crown, by the Ministers it was condemned and rejected for the opposite reason. To them such a union as was proposed appeared a step towards the independence which they were always imagining to be in the contemplation of the Colonies. The union, had it been established, would have had to a great extent the management of the approaching war, and would have made the Provinces which constituted it responsible for the heavy expenses about to be incurred. But, rather than encounter the risks which they fancied the arrangement to involve, the King's servants preferred to send across the water large forces of regular troops at the cost of the imperial treasury. And if thus in England there were doubt and misgiving, in America there was elation, and a confidence — vague and aimless, indeed, and unconnected with any ambitious schemes — arising from

a sense of rapidly increasing power. The English  
1760. Colonies on the mainland of America counted an aggregate white population exceeding a million and a half. They had obtained some practice in military operations on a large scale; they had done some of the best fighting of the war; and the liberality of their several contributions to common objects had emboldened all by giving to each a first lesson of reliance on the rest.

The capture of Quebec, though it did not end the war,

portended the conquest of Canada, and brought into immediate consideration the consequences which the downfall of the French-American empire would entail upon the relations between Great Britain and her North American colonies. In the year of the fall of that fortress, the West Indian Island of Guadeloupe, fruitful in sugar, was taken from the French by an English fleet. <sup>1759.</sup>

There was a premature discussion in England of the conditions of the peace which both sides were desiring; and William Pulteney, Earl of Bath, nearly eighty years old, once more claimed notice in connection with public affairs by publishing a "Letter to Two Great Men" (the Duke of Newcastle and Mr. Pitt), in which were urged reasons for giving up Guadeloupe rather than Canada, should it be thought necessary to relinquish either to the French. He was answered in a pamphlet entitled "Remarks on the Letter to Two Great Men," which has been supposed, though not on satisfactory evidence, to be a production of Edmund Burke. One of the arguments of the writer in favor of parting with Canada was that "the possession of it may in its consequences be dangerous;" because the English Colonies, no longer endangered and confined as heretofore by the close neighborhood of French enemies, "will extend themselves almost without bounds into the inland parts, and increase infinitely from all causes, becoming a numerous, hardy, independent people, possessed of a strong country, communicating little or not at all with England, living wholly on their own labor, and in process of time knowing little and enquiring little about the mother country." To this Letter Frank-

lin, then in England as agent for Pennsylvania, <sup>1760.</sup> also published a reply, under the title of "The Interest of Great Britain considered with regard to her Colonies, and the Acquisitions of Canada and Guadeloupe." Franklin was not used to manifest emotion; but the atrocity of the reasoning which had been employed, extorted from him



some animated sentences. "We have seen in what manner the French and their Indians check the growth of our Colonies. It is a modest word, this *check*, for the massacring of men, women, and children. The writer would, if he could, hide from himself, as well as from the public, the horror arising from such a proposal by couching it in general terms. It is no wonder he thought it a 'subject not fit for discussion' in his Letter, though he recommends it as 'a point that should be the constant object of the Minister's attention.' " <sup>1</sup>

A few weeks before the surrender of Canada, Francis Bernard came to Massachusetts as Governor.<sup>2</sup> He was a graduate of the University of Oxford, and had been a Solicitor in the Court of Chancery, and subsequently Governor of New Jersey, as successor to Governor Belcher. He came to America, as was common with the royal Governors, in the hope of bettering his fortune.<sup>3</sup> He conducted the administration of New Jersey in a manner

1760. so satisfactory to his employers, that at the end  
Aug. of two years he was transferred to the more important post of Governor of Massachusetts.

He took possession of that place ungracefully. In the

<sup>1</sup> Sparks, Works of Benjamin Franklin, IV. 46; comp. 23, 47.

In the year 1777 there was published in London what purported to be a collection of letters written by the Marquis of Montcalm at Quebec, in 1759, in one of which he predicted that the English conquest of Canada would lead to the independence of the Anglo-American colonies. The work was referred to in Parliament as genuine by Lord Mansfield, and in our time by Lord John Russell. It was, however, a forgery. (See N. A. Review for July, 1852, p. 159; comp. Proceedings of the Mass. Hist. Society for 1869, pp. 112, 129.)

<sup>2</sup> Bernard's wife was a cousin of Lord Barrington. (Bernard's MS. Letters, IX. 74.) Very many of his letters are addressed to that nobleman, who was his special patron.

<sup>3</sup> It is curious to observe to what a large extent his early letters are taken up with his plans for reducing the expenses of taking out his two commissions for New Jersey and Massachusetts, for securing the latter Province's gift to him of Mount Desert, and for establishing his son in the post of Naval Officer of Boston.



first of his speeches which was not merely formal, while expatiating on the successes against the French, he took occasion to congratulate the General Court on the happiness enjoyed by their constituents in their "subjection to Great Britain, without which they would not now have been a free people." The phraseology was not pleasing. The Council, in the reply which on their part was customary, owned that "to their relation to Great Britain they owed their present freedom." The House said that, on the other hand, "the whole world must be sensible of the blessings derived to Great Britain from the loyalty of the Colonies in general, and from the efforts of this Colony in particular, which for more than a century past has been wading in blood, and laden with the expenses of repelling the common enemy, without which efforts Great Britain at this day might have had no Colonies to defend;" and they explained "the connection between the mother country and these Provinces" as being "founded on the principles of filial obedience, protection, and justice."

According to some strong statements of Bernard, his first impressions of Massachusetts were highly favorable. "This people," he wrote to the Lords <sup>1760-1.</sup> of Trade, "are better disposed to observe their contract with the Crown than any other on the continent that I know." Nor did he soon see cause to qualify his commendation. "The distinguished loyalty and public spirit of this people have received no abatement," was his assurance to Pitt, when that Minister had recommended the raising of two thirds as many troops as in the last campaign. The Assembly, he informed Lord Egremont, "very readily complied with everything I could ask of them. . . . Their resolutions were the result of a free deliberation, uninfluenced by any motives but a sense of duty to his Majesty. . . . There is the most perfect harmony in the government of this Province. . . . This disposition

does not arise from management.”<sup>1</sup> The Assembly had declined to send a force to serve under General Gage on the lakes. But, in the Governor’s judgment, “in all other things they acted with the greatest generosity and public spirit.”<sup>2</sup> He wrote to Pitt: “This port [Boston]

<sup>1</sup> Berkshire County, in Massachusetts, was constituted August 3 of this year. (Bernard’s Letters, II. 41.)

<sup>2</sup> The French Neutrals, who had been transported six years before from Nova Scotia to Massachusetts, claimed the attention of Governor Bernard soon after his accession to his government. July 25, 1761, he reported to Halifax that they had met at Watertown, and had had a conference at Cambridge with a French Protestant; but they held out, thinking the King of France would do something for them. Three days later he wrote to the Board of Trade that they had applied to him; that the Duc de Nivernois for the King had offered them an asylum in France; that he thought they would prefer to remain, if they could have freedom of conscience, and lands in Nova Scotia. To this letter Halifax, Secretary of State (lately President of the Board of Trade), replied on the 20th September, to the effect that the Acadians were on the same footing as the rest of the [English] King’s Catholic subjects in America; that he disapproved the negotiation; that they must not be allowed to depart in the transports provided by the King of France, which “would perhaps be deemed liable to confiscation;” that they must remain for the present, till the Governor sent further information about them, and his own opinion as to the best mode of disposing of them. “I can by no means,” he said, “conceive it advisable to collect them in a body, and plant them, a papist colony with an established priest, on any part of the eastern shore.” August

13, Bernard wrote to the Board of Trade that the subsistence of the Acadians had cost the Province £9,544 sterling, which France ought to pay if they were prisoners of war. “I know so much,” he said, “of the industry and frugality of these people, that I have been very desirous that they should not be lost to British America.” August 24, Bernard wrote to the Board of Trade that a list of French Neutrals (1,019 in number), desirous of going to France, had been sent to him, and that sixteen families had since applied to be allowed to go to the French island of St. Peter’s. The same day the Council advised him to do nothing about it till orders came from England. October 15, Halifax wrote to Bernard that he should endeavor to induce the Acadians to be quiet where they were, but that, if he could not, their liberty of removal could not be denied, only the Governor should learn where they were to go, and inform Governors of other Provinces to which they might be bound, so that precautions might be taken; that the French Minister denied that his government meant to send transports. December 3, Bernard wrote to Halifax that a vessel full of Acadians had sailed three or four weeks before for Hispaniola; that two hundred and ninety had already gone, and about three hundred more wished to go; that these six hundred were about two thirds of the whole number in the Province; that some had prepared to go, but that he had (by advice of the Council) proclaimed (November 28) a prohibition, of which they complained. “They added that if I detained them ever so long I

has been distinguished by its observance of the Laws of Trade, and is still, I doubt not, the most commendable in that respect of any in North America." Referring to the instruction<sup>1</sup> which he had brought to see to the strict execution of the Navigation Laws, he said that those laws were "nowhere better supported than in this Province." But either he had been disingenuous in these representations, or suddenly he had found occasion for a change of mind upon the subject, or misgivings, of early rise, had prevailed over the indulgent judgment which he had pronounced, or some other reason prompted him presently to alter his language. For, in a letter written three years afterwards to Lord Halifax, he in-  
1764.  
Dec.
formed that nobleman that he had, from his "first coming to the government, particular occasion for exerting himself in defence of the Admiralty and custom-house officers. . . . This business afforded," he said, "the most turbulent scene of government that I ever knew. . . . I entirely defeated the machinations of a formidable confederacy intended to annul and avoid the Laws of Trade. The disappointment was so great that my conduct upon the occasion has to this day been neither forgotten nor forgiven by the unfair traders."<sup>2</sup> He had already been

should never make them English, and I really believe them. . . . There is a considerable body of Acadians living near this town, who, I understand, do not intend to go."

1761, June 26. Proclamation of Comte d'Estaing, Governor of the Windward Islands, that all Acadians resident in New England, on communicating with John Hanson, merchant, of New York, will be furnished with transportation to St. Domingo, settled on land, and provisioned till they can get their living.

<sup>1</sup> He received his appointment (confirmed Feb. 27, 1761, — Reg. of the Privy Council of that date) a few months before the death of King

George the Second. In the instructions then prepared for him (March 18, 1760), he was ordered to "inform himself of the principal laws . . . relating to Trade and Navigation," of which a long list is given for a series of reigns, and to take care to have them "punctually and *bonâ fide* observed." (Sparks's Coll. of Bernard's MS. Letters, in Library of Harvard College, XIII. 149.)

<sup>2</sup> "When," he writes in this letter, "Mr. Temple came here as Surveyor-General [Temple was appointed Feb. 12, 1761], he presently discovered a haughty jealousy of me and my office. . . . He came to an open rupture with me, and in the course of it

meditating upon radical measures for the correction of colonial disorder.<sup>1</sup> "I am apprehensive," he wrote to the same Minister, "that very soon, if it is not at present, a new arrangement of New England may be taken into consideration. . . . The division of New England into governments of suitable size and with proper boundaries is by no means a difficult task, if it was unembarrassed with the politics, prejudices, and humors of the people. . . . I will suppose that the two republics of Connecticut and Rhode Island are to be dissolved." His scheme was to compose one Colony of Massachusetts proper, New Hampshire, Rhode Island, and as much of Connecticut as lies east of Connecticut River; another, of Maine and the western part of Acadia; and a third, of all the British territory farther east. Whatever difficulties should prove to be in the way of such an arrangement would, he said, "arise from the bad policy of establishing republican forms of government in the British dominions. . . . As for the religious divisions, they are become so entirely subservient to politics, that, if the state of the governments is reformed, and a perfect toleration secured, religion will never give any trouble." Each American province should, he thought, have a legislative council appointed by the King, the members to hold their office for life. "Massachusetts, united as aforesaid, will afford a fine opportunity for trying the experiment." And he added that it was "absolutely necessary to establish a certain and sufficient civil list for support of officers of the Crown." This

treated me with indignities," which the writer proceeds to specify at great length. In another letter to the Minister in the same month (December 29), the Governor complained that Temple had brutally insulted one of his subordinates, and with one of them had had a fight.

<sup>1</sup> "The means which seems now most likely to be pursued to destroy the Court of Admiralty, and with it

the activity of the laws of trade, are to bring frequent actions at Common Law concerning the business determined in the Admiralty . . . and by overhauling the decrees of that Court before a jury . . . to render it certain ruin for officers of that Court to do their duty." (Bernard to the Lords of Trade, Aug. 6, 1761.)

scheme, he informed Richard Jackson, had been suggested by him to Lord Barrington "above a year and a half ago," when he had not been two years in Massachusetts. So early as this had the Governor, utterly unconscious, it would seem, of the momentous character of his plans, been making proposals, unsuspected in New England till long after, of radical changes in the constitutions of that country.<sup>1</sup>

The methods of administration of the Laws of Trade at this time presented questions which proved to be of unexpected importance in relation to the later progress of events.

The death of Stephen Sewall, taking place in the month after the arrival of Governor Bernard, vacated the office of Chief Justice of Massachusetts. It

1763.  
Aug.

1760.  
Sept.

<sup>1</sup> I have not learned that these radical schemes of Bernard were prompted by any suggestions from his superiors at home, or even that they soon drew any favorable response from that quarter. For aught known by me to the contrary, they were original with him; and any favorable impression which they may have made was prevented from being carried out in corresponding measures by the disputes which soon succeeded. The letters from which these periods are extracted are in the British State Paper Office. Compare with them Bernard's letters to Lord Barrington of Sept. 27 and Dec. 15, 1761, and June 23, 1764, in the Sparks Collection (II. 11, 21; III. 235); to John Pownall of Dec. 5 (II. 233); and to Richard Jackson of Dec. 6 (II. 237). Lord Holderness was not now in office, but the Governor had not been so informed till December 14. (Letter of Bernard to Egremont, *Ibid.*, 20.) — Aug. 2, 1763, Bernard wrote to Jackson: "In the close of one of your letters, you mention that it was hinted to you that the Crown would consent

to the uniting Massachusetts, Connecticut, and Rhode Island. . . . I would not have made such a proposal to you. But, as the first mention of it comes from you, and it has recently been often talked of here," &c. (Sparks's Coll. Bernard Letters, III. 89.) "It is above a year and a half ago since I wrote to Lord Barrington . . . to represent my sentiments in regard to what appeared to me to be wanting in the political constitutions of the several governments in America. . . . This was wrote upon the supposition that there would be a general reformation in the governments of America." (*Ibid.*, 92.) "You inform me that you apprehend that the consideration of a new division of the governments of New England may soon come upon the tapis. I have long ago entertained a notion that some such scheme would be set on foot sooner or later; and as I have turned this in my thoughts a good deal, I will give you my sentiments upon it." (*Ibid.*, X. 230; Bernard to Jackson, Oct. 22, 1764.)

was said that Governor Shirley had promised the first vacancy which should occur on the bench of the Superior Court to James Otis, of Barnstable, who, beginning life in a mechanical employment, had afterwards studied law, and obtained considerable practice in that profession. At Sewall's death, Otis, who was now Speaker of the House, desired to take the place of one of the existing judges, who should be promoted to be Chief Justice. But Ber-

1760.  
Dec. nard had other views, and appointed Thomas Hutchinson to that high office.

The new Chief Justice, descended through a line of reputable men from Mrs. Ann Hutchinson, the Antinomian heresiarch, had, on leaving college, engaged

1727.  
in commercial business. Not meeting with success in this employment, he withdrew from it with what remained of his considerable patrimony, and devoted himself thenceforward to public affairs and to the studies proper for a magistrate and statesman. In the crisis of the ques-

1738.  
tion about the currency, he was sent to England as agent for the town of Boston, and, increasing his already brilliant reputation by his management of that business, was chosen on his return to be one of the representatives of the town in the General Court. His eloquence, activity, courteous manners, superior abilities and extensive knowledge easily gave him the lead in the

1747.  
House, of which he was made Speaker after a short service. He filled that place when the remuneration for the campaign against Louisburg came over, and for a time was brought into disfavor, but at length greatly strengthened his hold on public confidence, by the course which he took in causing the money to be used in a reform of the currency. Advanced to the Council, he maintained there, against a majority, the popular side against the burdensome Excise Bill, which Shirley also, contrary to his personal judgment and preference, found himself compelled by prudence to disapprove.



He was made Lieutenant-Governor after Phips's death, and not only continued to hold that office <sup>1758.</sup> after he was appointed Chief Justice, but subsequently the office of Judge of Probate for Suffolk County was further added to his honors. He was now undoubtedly the most conspicuous and powerful citizen of New England. Governor Pownall, during his short administration, placed less confidence in him than had been reposed by Governor Shirley; but there was no avowed estrangement between them, and the associations of dignity with which Hutchinson was invested as head of the administration in the few weeks which intervened between Pownall's recall and Bernard's succession, showed his shining qualities to advantage, and contributed to strengthen his hold on the public respect.

The resentment raised in James Otis and his yet more distinguished son by Hutchinson's elevation to be Chief Justice, was supposed by the latter to have prompted the part taken by them in the controversies which after a while ensued; and there is no reason for denying that their sense of personal injury may have given a degree of acrimony to the opposition on which they entered, — for without doubt both were men of vehement passions. But the supposed effect is altogether out of proportion to the alleged cause. Acknowledging the merit or fearing the hostility of Speaker Otis, the Governor gave to <sup>1764.</sup> him the nomination to all the principal offices in <sup>Feb.</sup> his county; and he took to himself those of Judge of Probate and of first Justice of the Court of Common Pleas. Nor was it any merely personal or family disgust that in other quarters raised the storm which James Otis the younger was soon to be seen directing, as champion and interpreter to no small extent of the wisest and calmest thinkers of New England. Nor would it appear that there was any violent private animosity to influence his public action, when, on the occasion of a valuable



1762.  
Feb. grant of land by the General Court to the Governor,<sup>1</sup> Otis used his influence to promote the measure, after the alleged cause of offence had been given, and before the Governor had made the alleged overtures for a conciliation.

The first act of opposition to Governor-Bernard's administration on the part of James Otis (which name will hereafter be used to designate the younger of the two, father and son, who bore it), was chiefly of importance as it stimulated a hitherto indefinite feeling of discontent. A provision in an Act of Parliament of the last reign, called the Sugar Act,<sup>2</sup> imposing a duty of sixpence on every gallon of foreign molasses imported into a Colony, gave to the informer against a smuggling operation one third of the property forfeited, to the Governor one third, and one third to the King for the Colony's use. The General Court of Massachusetts, not liking the law, had never called for payment of its share of the forfeits, which in the course of time had come to amount to a considerable sum. The informers meanwhile had presented their claims for payments to themselves in consideration of private intelligence; and these claims, instead of providing for them from the total sum of the forfeits, the Court had negligently allowed to be discharged from the third part belonging to the Province, or, in technical language, to the King for the Province's use. When the irregularity was brought to notice, no doubt was ex-

<sup>1</sup> It was, I think, in connection with his solicitation to the government for leave to accept this gift, that Bernard transmitted the Journal of Phips's conquest of Port Royal, as mentioned above (Vol. IV. 49, note 3); the object being to prove that Mount Desert belonged to Massachusetts and was subject to her grant. "It appears to me that after the conquest made by Sir William Phips, their Majesties King William and Queen

Mary were seized of the lands in question in their ancient right, as parcel of the dominion of the Crown of England, and that the grant thereof made by the Province charter was good and valid." (Bollan to Bernard, June 10, 1762, in Sparks's Coll. Bernard Letters, IX. 300; comp. X. 70, 83.)

<sup>2</sup> Act of the sixth year of George the Second (1733), ch. 13.

pressed in any quarter of the equity of a readjustment; but the method of proceeding to obtain it was not so clear. Some merchants, perhaps not unwilling to annoy the custom-house officers, presented a Memorial to the General Court, praying that the provincial treasurer should be instructed to bring an action against the officers for the recovery of moneys illegally held by them. The House, after hearing an argument from Otis, who appeared for the merchants, consented to the proceeding. On the part of the Governor and of the Council, there was opposition to it, on the grounds that, though the moneys in question really belonged to the Province, yet, as the language of the law which appropriated them gave them "to the King for the use of the Province," it belonged to the King's Attorney-General to sue for their recovery, and not to the Provincial treasurer; and, again, that the moneys had been paid in pursuance of a decree of the Admiralty Court, which decree the Province might have opposed, while it was in progress, by an appeal to the Superior Court, but, having failed to do so, had lost its remedy. But, in consideration of the popular resentment which would follow a representation that the Province had been defeated by a technical nicety in a claim for its money, the objection was waived both in the Council and, under its advice, by the Governor, who still feared that his acquiescence would displease the King. The suit was brought, accordingly, by Otis, in the Superior Court; and, to the general surprise, the jury's verdict, under the direction of the bench, was against the Province.

But already Otis had in hand a far more serious business. Governor Bernard had been in Massachusetts only six months, two years had not passed since the capture of Quebec, the peace was not yet made which obliterated New France from the map of America, when, by a transaction which did not yet reveal its transcendent

import, the public mind was to be turned to questions which were never again to be settled but by American independence.

The reform of the currency which resulted from the campaign against Cape Breton concurred with other causes to produce a commercial activity, especially in Massachusetts, which drew increased attention, in the parent country, to the economical relations of the communities of which she was the chief. During the last French war it was of great importance to England to retain the good will of her American dependencies; and Governor Shirley, though individually inclined to prerogative principles, was careful to avoid disturbing questions as far as possible.<sup>1</sup> Pownall leaned the more easily to the same policy, because his personal opinions were of a more liberal cast.

When Bernard came to the government of Massachusetts, the French war was virtually finished. The trade of Massachusetts, including that commerce with the French and Spanish islands which, though forbidden by the Navigation Laws, had been profitably pursued with the connivance of the English officers of the customs, had been materially enlarging. Eight years before Governor Bernard, Charles Paxton, a capable and energetic person, with his fortune to make, came from England as Surveyor of the Port of Boston. He had recourse to an

<sup>1</sup> At the beginning of his administration, however, Shirley had not felt this motive for forbearance. 1743, Feb. 26, Bollan, the King's Advocate-General, wrote from Boston to the Board of Trade, that he was instructed by the Governor to inform the Board of the existence of "a large illicit trade destructive of the interests of Great Britain in her trade to her own plantations, and contrary to the main intent of all her laws made to regulate that trade,

by importing into this Province large quantities of European goods of almost all sorts from diverse parts of Europe," some of which were wholly prohibited, and others prohibited "unless brought directly from Great Britain." The Admiralty jurisdiction, he wrote, was "cumbrous and insufficient. . . . This illicit trade is carried on to so great a degree and in so many various shapes," &c. (Comp. Journal of the Board of Trade for May 4, 5, 10.)

exceptionable method of executing his office. He obtained, from time to time, general search-warrants from Governor Shirley, to make scrutiny for goods imported without the payment of duties.<sup>1</sup> Shirley learned from Hutchinson that no authority to grant such a power belonged to the Governor; and thenceforward the revenue officers applied for it to the Courts, while Stephen Sewall was Chief Justice. Sewall was said to have doubts of the legality of these Writs of Assistance, as they were called; but he was persuaded or overruled, and they were repeatedly issued while he was at the head of the judiciary.

When William Pitt came into power, he was informed that a contraband trade was carried on by the Anglo-American Colonies with the possessions of Spain and France in the West Indies, and, notwithstanding the assurances which he received from Bernard, he sent stringent orders to the Governor and revenue officers in the Colonies to watch that commerce and break it up.<sup>2</sup> He had no purpose beyond that of putting a stop to feeding the enemy. But it was natural for the greedy custom-house officers, whose fees would be in proportion to their activity, to represent these orders as calling on them for a renewed diligence in prosecuting every violation of the letter of the Laws of Trade, including such irregularities as in time past had seemed rather permitted and authorized than overlooked; and it was natural for the merchants to be apprehensive of a ruinous disturbance of their business. It was impossible that the parties should not watch each other with very unfriendly eyes.

While these feelings prevailed, the death of King George the Second brought up a practical question respecting the Writs of Assistance, since, by the terms of such a writ, its force expired at the end of six months from

<sup>1</sup> Quincy, Reports of Cases, &c., comp. Sparks's Coll. Bernard Letters, IX. 121.

<sup>2</sup> Mass. Archives, XXII. 163 ;

a sovereign's decease. Since as yet no clamor had been heard about them, it is likely that hitherto they had been used by the officers with forbearance, and only in such strong cases as failed to excite the popular sympathy. But in the state of increased sensibility of the public mind, and probably in consequence also of their less cautious use, the question of their legality came to be canvassed; and the more it was canvassed, the deeper it was found to strike into the relations of the Colonies to the parent country, and into the fundamental principles of political freedom.<sup>1</sup>

<sup>1</sup> "When the British Ministry received from General Amherst his despatches announcing the conquest of Montreal, and the consequent annihilation of the French government in America, in 1759, they immediately conceived the design and took the resolution of conquering the English Colonies, and subjecting them to the unlimited authority of Parliament. With this view and intention, they sent orders and instructions to the collector of the customs in Boston, Mr. Charles Paxton, to apply to the civil authority for writs of assistance," &c. (*Life and Works of John Adams*, X. 246 *et seq.*; comp. 284, 286.) So wrote the second President of the United States in 1817, when almost sixty years had passed since the events to which he referred, and his recollection might seem to have been impaired by such a lapse of time. But he had written the same thing to his Dutch correspondent as early as 1780 (*Ibid.*, VII. 266, 267), which puts the authority of the statement on a different footing. Still, I cannot but hesitate about its correctness, and suspect that it was rather an incautious inference of Mr. Adams than a statement of known facts. For it must be remembered that to the end of his life Mr. Adams's means of information on this point were inferior to what are possessed by us of the present day. For ex-

planation of the motives which led to acts of the British Government he necessarily had recourse to conjecture, or to what seemed reasonable inferences from the tenor of the acts themselves; while we have access to the official papers, the public and private correspondence of the time. It is very likely that, as early as the period referred to, the chronic jealousy of the Colonies entertained by the British Ministry had been intensified. But I have searched in vain for proof that the British Ministry took, at so early a period, any new resolution as to a stricter enforcement of the Laws of Trade; that Pitt's instructions in 1760 had any other object than to obstruct the furnishing of supplies to the enemy; that the new activity of the officers of the customs was prompted by anything else than by the increased opportunities which they conceived to be offered by those instructions for adding to their official emoluments; or that any definite scheme of encroachment on colonial rights had been devised so early. Neither in the Journals of the Board of Trade for the period, nor in the Register of the Privy Council, is any indication to be found of the adoption of any such advanced policy as is supposed. Nor is there any suggestion of the sort in the instructions given to Bernard when, in 1760, he entered

It has been thought that Governor Bernard, immediately on his arrival, was struck with the imminence and importance of the question, and that, having satisfied himself of the leaning of Hutchinson's mind, he placed that very able man at the head of the judiciary for the purpose of securing the decision which the friends of prerogative so much desired. A few months after Hutchinson's appointment, and before the six months of validity of the old writs under the new reign had expired, a Memorial of some sixty or seventy merchants petitioned for a hearing "by themselves and counsel upon the subject of Writs of Assistance;" and Lechmere, Surveyor-General of the Customs, followed with a petition to be "heard on his Majesty's behalf on the same subject, and that Writs of Assistance may be granted to him and to his officers as usual." At the hearing, Jeremiah Gridley, a learned lawyer, then at the head of the Provincial bar, appeared for the King; while the petitioners were represented by James Otis, who had been his pupil, and by Oxenbridge Thacher,—a man at that time of greater weight than Otis by reason of his longer experience and superior social position, and not less distin-

on his government (these instructions are in the Sparks Collection of the Bernard Manuscripts in the Library of Harvard College, Vol. XIII. p. 149 *et seq.*), as to which, indeed, there is an express entry in the Register of the Privy Council for May 5, 1761, that "with respect to the other draught of instructions for the observance of the Acts of Parliament for the encouragement and regulation of Trade and Navigation, the same is exactly conformable to the instructions given by his late Majesty for the like purpose to the Governors of this and other provinces in North America." And as long ago as eight years before Governor Bernard came, Paxton and his associates had been

stationed at Boston to look after the commercial revenues. (See above, p. 234.)

I may mention here that upon the question as to the validity of royal instructions to the Governors (see above, Vol. IV. 547, 548), the Privy Council now pronounced (Register for May 5, 1761) that it was "doubtful to them whether it may be consistent with the Constitution for the Crown to restrain by instruction to the Governor the exercise of those powers which are vested in the Legislature there by express words of the Charter, and by a law confirmed so long since as the year 1692, and acted under ever since."



guished by his brilliant professional prospects and devotion to the patriotic cause.

A Writ of Assistance authorized officers of the customs and their deputies and assistants, "in the daytime to enter and go into any house, shop, cellar, warehouse or room, or other place, and, in case of resistance, to break open doors, chests, trunks, and other packages, to seize and from thence to bring any kind of goods or merchandise whatsoever, prohibited and uncustomed, and to put and secure the same in his Majesty's warehouse." Gridley showed that, by certain statutes of the reign of Charles the Second, the English Court of Exchequer was authorized to grant such writs; that, by certain other statutes of the reign of William and Mary, the Superior Court of Massachusetts was, within that Province, vested with all powers exercised in England by the Courts of Exchequer, Admiralty, and King's Bench; and that especially the authority to enter shops and warehouses was extended to officers in the plantations. And as to the alleged oppressive character of such a power, he argued that the familiar practice of "the constable's distraining for rates was more inconsistent with English rights and liberties than Writs of Assistance; and necessity authorizes both."

Thacher replied that he could find no ancient precedent for such a writ; that the cases of England and of the Colony were different, the custom-house officers in England being officers of the Court of Exchequer, which, accordingly, could call them to account for misconduct; and that the writs were subject to abuse, by reason of their being not returnable, and being in force for an indefinite time. Otis argued more largely and profoundly. He assailed the writ as being a violation of the fundamental principle of law, which respects a man's house as his castle.<sup>1</sup> He pointed out the difference

<sup>1</sup> "To enter a man's house by to procure evidence is worse than the virtue of a nameless warrant in order Spanish inquisition, — a law under



between general warrants to search anywhere, at the holder's caprice, and special warrants for a particular house, on sufficient grounds of suspicion set forth on oath. Granting that there was modern precedent for the writ, he urged that all precedents were "under the control of the principles of law;" and quoted Lord Chancellor Talbot to the effect that it is "better to observe the known principles of law than any one precedent, though in the House of Lords." He complained of the impunity acquired for abuses of the power given by the writ through the absence of any obligation to make a return upon it, and while it was subject to be obtained by any private party to be employed for personal and corrupt purposes. And he went so far as to lay down the strong doctrines that even "an Act of Parliament against the Constitution is void; an Act against natural equity is void; and if an Act of Parliament should be made in the very words of this petition, it would be void. The Courts must pass such Acts into disuse."

Such were, in the main, the topics of Otis's argument, as they are indicated in notes taken at the time.<sup>1</sup> It is easy to understand that great enlargement and animation must have been lent to them by the admirable eloquence for which he now began to be famous. The scene was witnessed by John Adams, then a barrister in the twenty-sixth year of his age, who, when past eighty, remembered and described it with enthusiasm. It is certain that the memory of the aged ex-President was so far at fault as to transfer some sentiments expressed on later occasions of Otis's life to the speech ascribed to him on this occasion; but the venerable chronicler could not be mistaken as to the excitement produced by it

which no Englishman would wish to live an hour." (Lord Camden, in the case of John Wilkes, in Brougham's *Statesmen of George III.*, Vol. I. 409.)

<sup>1</sup> Minot, *History*, II. 91-99; comp. Tudor, *Life of James Otis*, 63-86.

in the public mind of New England.<sup>1</sup> The great plea for right and freedom which embalms the name of Otis in the memory of a grateful posterity, was full of technical learning, which told upon the Court; but its masterly exposition of the great principles which lie at the foundation of all just laws and righteous government, — his assertion of the doctrine, among others, that the rights to life, liberty, and property are derived from no social combinations, but “only from Nature, and the Author of Nature; that they are inherent, and indefeasible by any laws, facts, contracts, covenants, or stipulations which man can devise,” — this was what took hold of the heart as well as the reason of the people, and prepared them for sacrifice and for victory in the struggle which was not far off.

After the argument, the Chief Justice said that the Court was not satisfied of the legality of general Writs of Assistance, and would suspend its judgment till it should have had time to obtain information respecting  
 1761. the practice in England. The case came up  
 Nov. again in the autumn of the same year, Thacher and Otis appearing again for the merchants, and the junior counsel for the Crown being now Mr. Auchmuty, who was soon after made Advocate-General in the place of Otis, the latter having resigned the office when he assumed the popular side in this case.<sup>2</sup> Thacher said that,

<sup>1</sup> President Adams's saying that “American independence was then and there born” (Tudor's Otis, 61) is not to be understood as if the necessity or the prospect of an independence of England was announced, or so much as hinted at, in Otis's speech. On the contrary, he asserted in that speech, in the strongest terms, the dependence of the Colonies on Parliament. He argued the question on precisely the grounds which might have been taken in England by a native Englishman.

Independence was then and there born, in the sense that the speech set the American Englishman to reflecting on such English doctrines as that “an Act against the Constitution is void; an Act against natural equity is void.” And when, after full trial, the colonists found that they could not have the benefit of these doctrines while dependent, then, and not before, they began to strive for independence.

<sup>2</sup> May 17, 1765, Bernard wrote to the Board of Trade that in an ab-

for sixty years after the alleged sanction of the writ by an Act of Parliament, the Court had received no application for it, which was a presumption against its legality; that the issuing of the writ must be either obligatory on the Court, or else discretionary; that "the Act itself and its consequences" showed that it could not be intended to be obligatory; nor could it be intended to be discretionary, "for it cannot be in the power of any judge at discretion to determine that I shall have my house broken open or not (as says Justice Holt, 'There can be no discretionary power whether a man shall be hanged');" that the writ could be issued only by the Court of Exchequer, which the Superior Court of Massachusetts was not, but, on the contrary, had "in the most solemn manner disclaimed the authority of that Court;" that what might be safe for the King's Court of Exchequer to do was not safe for the courts of Massachusetts, because the officers of the customs in England were sworn by and accountable to the Barons, and "under their check, and that so much, that for misbehavior they might punish with corporal punishment." Gridley and Auchmuty pleaded that "the Court could not regard consequences, but must follow law;" that there could be no argument of non-user when there had been any case of use, and this writ had been executed over and over again in Massachusetts. "Let a warrant," said Otis, "come from whence it will improperly, it is to be refused; and the higher the power granting it, the more dangerous. . . . It is worthy of consideration

sence of Bollen in London, Governor Pownall appointed in his place an Advocate-General (Otis), who, on his (Bernard's) coming to the government, deserted his post, and put himself at the head of the attack on the King's officers, upon which, Bernard says, Auchmuty was appointed. The office of Advocate-General, thus volun-

tarily relinquished by Otis, was considerably more lucrative than that of a Judge of the Superior Court, the disappointment as to which on his father's part is represented by Hutchinson as the cause of the estrangement of the family from himself. (*Life and Works of John Adams*, X. 281.)

whether this writ was constitutional even in England.<sup>1</sup> And I think it plainly appears it was not; much less here, since it was not there invented till after our constitution and settlement."

The writ was granted, agreeably to a unanimous opinion of the justices. It continued to be granted  
 1761. and used down to the time of that later stage in  
 Nov. the dispute when the Act of Parliament called the "Boston Port Bill," closing the town of Boston as a port of entry, put all the questions respecting commercial restriction there on a different footing. The legality of Writs of Assistance was no longer matter of doubt. That they were legal, that English law formally and deliberately committed this outrage on Englishmen in the Colonies,—this constituted in itself the essence of the wrong. Henceforward there was no question between the colonists and the tide-waiters, whether the latter exceeded their legitimate authority. They had not exceeded it. They had used oppressive power conferred on them by the government of England. The grievance was a sore one, and impatiently borne. Nevertheless, greater outrages had to be attempted, before the loyal people could make up their minds to insist upon redress.

At the next session of the General Court, an Act was  
 1762. passed which, after a preamble declaring the de-  
 Feb. sire of the Court "that the officers of his Majesty's customs in this Province may be assisted in the due execution of their office, for the securing of his Majesty's dues and for the prevention of fraud," went on to provide for the issue of a special Writ of Assistance by any court or justice, on the oath of any custom-house officer to the effect that he had credible information of a breach of

<sup>1</sup> The question of the validity of General Warrants, in fact, was disposed of presently in England in the case of John Wilkes, and the final decision was against them. It was natural that the great excitement which Wilkes's case produced in England should have intensified the feeling in America.

the Acts of Trade, accompanied with specifications of the name of the informer and the place of deposit of smuggled goods. The Governor took the opinion of the judges upon the question whether this Act would not deprive the Superior Court of the power as a Court of Exchequer, affirmed by their late decree. They unanimously replied that such would be its operation, and the Governor accordingly disposed of it by his negative. He wrote to the Lords of Trade that "the bill was the last effort of the confederacy against the custom-house and Laws of Trade. . . . I gave it a more solemn condemnation than it deserved. This . . . reduced the popular cry to a murmur only, which soon ceased, and I believe there is now a total end to this troublesome altercation about the custom-house officers."<sup>1</sup> So sanguine were the Governor's erroneous calculations.

<sup>1</sup> Quincy's Reports, 498, note; comp. Journal of the Board of Trade for Nov. 19, 1762.

## CHAPTER II.

It was to be expected that the discontent felt all along by the British Board of Trade and Privy Council at the refractory disposition which seemed to them to possess the Colonies,<sup>1</sup> and especially the apprehensions, which had been gaining strength, of an ambition on their part to throw off their dependence, would be increased by what the late war had made manifest of their spirit and resources, and by the notoriety of their rapid advance in numbers and power. They had acquired experience in arms; they had become habituated to strenuous exertion and generous sacrifices for objects common to them all; and in the campaigns which arrayed them side by side, they had made some advance to a mutual good understanding, and to an obliteration of the prejudices incident to the diversities in their origin and the occasional con-

<sup>1</sup> "In 1696 a pamphlet was published, recommending the imposition of taxes in the Colonies by authority of Parliament. It did not escape the notice of the vigilant friends of *American Liberty*. Two answers to this publication appeared, which seem to have attracted general attention, and in which the doctrine was broadly asserted and maintained, that no such right existed in Parliament, because the Colonies were not represented in that body.

"The idea of combining their efforts in matters of common interest to all may be traced back to a period

nearly as remote. In 1690 a communication was addressed by the General Court of *Massachusetts* to the Governors of the neighboring Colonies, desiring them to appoint Commissioners 'to meet, advise, and conclude upon suitable methods in assisting each other, for the safety of the whole land.' Such a meeting was, accordingly, held, and evidence exists inducing the belief, that it was styled by the now familiar and revered name of *Congress*." (Force's *Amer. Archives*, 4th series, Vol. I., Preface, p. 2.)

flicts of their past history. It might well seem to the King's government that the present was the time to settle whatever questions as to colonial administration might become urgent, because the other party, enlarging its power with every year, would have to be dealt with at less advantage the longer the dispute was postponed.

The same considerations tended to arouse the vigilance and fortify the courage of the Colonies. They did not desire independence. Alike positively and honestly they declared that they did not want it, as often as the ambition was imputed to them. They were more than acquiescent in the existing state of things, so long as they could succeed, as for the most part they had done, in having the government administered conformably to their interests and their judgment. But the patriots of New England could not escape the conviction that the King's Ministry recognized a crisis in their mutual relations. They were persuaded that the Ministers took note of the reasons which recommended speedy action ; and this was equivalent to a persuasion that opposition to ministerial plans of usurpation must be prompt if it was to be successful. Nor were they blind to the improvement in their own prospects, should they be secured by the terms of the approaching peace against that succession of distressing invasions by which their French neighbors, through nearly a century, had drained their resources and retarded their growth, and should no adverse influences supervene from a different quarter. The vexatious question respecting general Writs of Assistance was brought up at a time most unfavorable to a friendly understanding between the home government and the Colonies ; and the principles which that event caused to be courageously and solemnly announced by Otis and his friends, took strong hold of the popular mind. That a clear sense of the significance of the measure was not confined to that maritime portion of the Province where its oppressive-



ness was directly experienced, is apparent from the attempt of the General Court to substitute for it a reasonable provision for the repression of irregular trade. It could not be otherwise than that the expositions, by the prominent patriots of the day, of the usurpation which had been authorized, should cause the heart-burnings provoked by it to be as generally felt as its offensive pretensions were of general interest.

In this state of mutual jealousy, — each side prepared to expect attempts at encroachment from the other, — an entirely cordial co-operation between the Governor and the General Court of Massachusetts was not to be looked for. Yet both parties appear to have been careful to avoid placing themselves at disadvantage by any appearance of passionate or needless dissension.

1790.

Aug.

The addresses which passed between them on the Governor's accession, took a tone of ceremonious good-will. The Governor advised the Legisla-

1791.

May.

ture first chosen after his arrival to disregard and discountenance attempts to awaken popular jealousies. "Lay aside," he said to them, "all divisions and distinctions whatever. . . . Give no attention to declamations tending to promote a suspicion of the civil rights of the people being in danger. Such harangues might suit well in the reigns of Charles and James, but in the times of the Georges they are groundless and unjust;" to which counsel they gave a civil reply to the effect that it should have its weight, though they saw no indication of such a temper.

Had the illustrious statesman who won New France for the Crown of England continued at the head of the King's government, it is likely that so much of the dissatisfaction in New England as had its rise in the resort by the revenue officers to the process of Writs of Assistance, would have been prevented or composed. So much may be inferred both from his friendly disposition

towards the Colonies, and from the part which he took when the question of General Warrants was agitated in England, in the nearly contemporaneous case of the demagogue John Wilkes. But the accession of the new King determined the great commoner's fall from power. Lord Bute, long the useful servant and favorite of the Prince's mother, and accordingly trusted and befriended by himself,<sup>1</sup> took up a course of opposition to Pitt, and by a successful resistance to his plan for a continuation of the war, forced him to withdraw from the direction of affairs. His retirement into private life took place in the month before the final decision in Massachusetts in favor of the legality of Writs of Assistance. His place as Secretary of State was given to Lord Egremont, a nobleman of no more than ordinary talent. Lord Holderness, Pitt's insignificant colleague as Secretary, had already been superseded by Lord Bute.

1761.  
Oct.

Simultaneously with the question respecting Writs of Assistance in Massachusetts, another question had presented itself which was not of political significance, but which incidentally assumed that character by reason of its increasing the unfriendliness between Otis and Hutchinson and their respective followers. A calling in of treasury notes made necessary a legal determination as to the currency in which they should be paid. Silver was the only legal tender, but its relation of value to gold in England, enabling it to be shipped to that country with greater profit, threatened to strip the Province of the only currency in which debts could be discharged. To dispose of the difficulty, the House of Representatives, under the lead of Otis, proposed to make gold a legal tender. Hutchinson, sustained by the Council, resisted that measure, and a long altercation took place between

<sup>1</sup> In his treatise, "Thoughts on the Present Discontents," Edmund Burke expounds at large that hankering of George the Third for an autocracy which occasioned the frequent changes of the Ministry in the early years of his reign.

the two parties. The arrangement finally adopted was substantially what the House desired, and that body ex-

<sup>1762.</sup> pressed its satisfaction with the Governor by mak-  
<sup>Feb.</sup> ing him a present of the island of Mount Desert.<sup>1</sup>

There was an approach to harmony, which the Representatives seemed disposed to complete. Massachusetts — though, it is true, not till after much debate — consented to raise three thousand men to reinforce the expedition projected by the Ministry against the French island of Martinique; and when an intervention on the part of Spain postponed the expected peace with France, the General Court raised thirty-two hundred men, and added a liberal bounty to encourage the enlistment of a regiment of regular troops.

But unavoidably there were causes of dissension deeper than any personal distrusts or animosities. The popular resentment against the judges on account of their decision of the question of Writs of Assistance expressed itself when the General Court reduced the usual annual grant to them, and especially when a large deduction was made from that of Hutchinson, their chief. Another token of the same feeling was the introduction into the House of a bill to exclude Judges of the Superior Court from seats

<sup>1</sup> I have expressed the opinion above (p. 227, note), that Bernard's sending home a copy of the Journal of Phips's expedition to Port Royal in 1690 (see above, Vol. IV. 49, note 3), was because of its bearing on the right of Massachusetts to grant lands in that region. At the end of the printed Journal of the Massachusetts House of Representatives for the years 1762, 1763, is a "Statement," in nineteen folio pages, signed by Thomas Hutchinson, "of the Title of the Province of Massachusetts Bay to the country between the Rivers Kennebec and St. Croix." One of the papers to which he refers (p. vii.) is "Phips's original

journal on the Massachusetts files," of his expedition in 1690, when he took "Port Royal with its dependencies . . . Penobscot and Mt. Desert particularly." This journal was among the papers "relative to said grant" which were sent by Bernard to the Board Dec. 1, 1762. (Journal of the Board of Trade for March 2, 1763.) In some one or more of his letters Bernard says that the General Court, having no money at command, gave him this island in consideration of outlays of his on the Province House, and as an expression of their general satisfaction with his government.

in either branch of the Legislature. The abstract reasons for that measure were good, the Legislature being still, for some purposes, a judicial court. But all Massachusetts precedents were against it, and it was evidently prompted by hostility to the Lieutenant-Governor. He had not yet wholly lost his former estimation, and the bill was rejected in the House by a small majority of votes.

Stranger as Otis had hitherto been to public life, his action in respect to Writs of Assistance had suddenly raised him to great distinction and favor. Three months after his first argument on that question, <sup>1761</sup> <sup>May.</sup> he appeared, as one of the four members from Boston, in the House of Representatives.<sup>1</sup> In this capacity, a transaction of this year engaged him in prominent and acrimonious opposition to the Governor. The slightness of the cause which provoked it, when considered apart from the principle involved, illustrates well the habit of reasoning and the temper of the time. On a rumor that the French had made a descent on Newfoundland, the towns of Salem and Marblehead, interested in the fishery, presented a petition to the Governor in Council, praying that an armed sloop belonging to the Province might be despatched for the protection of their vessels. With the Council's approval, the Governor enlarged the sloop's crew with a small number of men, to whom he paid a bounty by warrants on the treasury. When the General Court met, after laying before them a requisition of Sir Jeffrey Amherst for six hundred men, he informed them of the transaction, the cost of which had amounted to between three and four hundred pounds.

The House resented this proceeding with warmth. Otis

<sup>1</sup> Before this Court, through the whole history of Massachusetts, it is believed that only two persons of the legal profession had ever been members of the House. These were John Reed, in 1738, and Benjamin Pratt (afterwards Chief Justice of New York), in 1758 and 1759. (See Hutchinson, III. 104, note.)

led in the debate. He first placed himself in a position of advantage by professing himself ready to meet the requisition for troops with the utmost liberality. "This Province," he said, "has upon all occasions been distinguished by its loyalty, and readiness to contribute its most strenuous efforts for his Majesty's service. I hope this spirit will ever remain as an indelible characteristic of this people. . . . Our own immediate interest, as well as the general cause of our King and country, requires that we should contribute the last penny and the last drop of blood, rather than, by any backwardness of ours, his Majesty's measures should be embarrassed. . . . I am therefore clearly for raising the men, if General Amherst should not inform us, by the return of the next mail, that he shall have no occasion for them." And, without alluding to the other subject presented in the message, he moved to refer the message to a committee of five members. The committee was raised accordingly; and Otis was appointed a member of it, next after the Speaker.

The Governor, in a second message, recurred to the matter of the Province sloop, and advised the House to consider whether it would not be well to keep up her increased armament. Then the smothered wrath broke out. The House raised a committee, with Otis for its chairman, to consider this message. The committee reported a form of remonstrance addressed to the Governor, declaring that it was unnecessary to keep up the increased establishment for the vessel, and desiring him to reduce it to that appointed by the General Court. And they added the following strong language:—

"Justice to ourselves and to our constituents obliges us to remonstrate against the method of making or increasing establishments by the Governor and Council.

"It is in effect taking from the House their most darling privilege, the right of originating all taxes.

“It is, in short, annihilating one branch of the Legislature. And when once the Representatives of a people give up this privilege, the government will very soon become arbitrary.

“No necessity, therefore, can be sufficient to justify a House of Representatives in giving up such a privilege; [for it would be of little consequence to the people whether they were subject to George or Louis, the King of Great Britain or the French King, if both were arbitrary, as both would be if both could levy taxes without Parliament.]

“Had this been the first instance of the kind, we might not have troubled your Excellency about it; but lest the matter should grow into precedent, we earnestly beseech your Excellency, as you regard the peace and welfare of the Province, that no measures of this nature be taken for the future, let the advice of the Council be what it may.”

The remonstrance was presented to the Governor, who the same day returned it to the Speaker, with a letter in which he said: “The King’s name, dignity, and cause are so improperly treated, that I am obliged to desire you to recommend earnestly to the House, that it may not be entered upon the minutes in the terms it now stands.” Some Representatives probably thought, on reflection, that in their reference to the King they had gone too far for a loyal courtesy. Others may have considered that the offensive language had already served its use, which was for popular effect. The words were accordingly suppressed,<sup>1</sup> and the remonstrance went up again in this amended form.

The Governor replied with an argument against the justice of the imputation of having done what tended to “take from the House the right of originating taxes,” to “annihilate one branch of the Legislature,” and to “make

<sup>1</sup> The words were those which I have enclosed in brackets. They do not appear in the printed Journal.

the government arbitrary." He urged that, in view of exigencies regarding the public safety, and liable to arise when the Legislature was not in session, it was necessary that the executive department should have some discretionary power; and that when the expense of a contemplated service was small, it would be absurd to maintain that, in order to obtain legal authority for it, there must be a convocation of the Legislature at a much greater cost. And he insisted that what had been done "was an act which the Governor with the Council had a right to do; it was a legal and constitutional exercise of the powers vested in them; it was an exertion of the executive power of the government, distinct from that of the Legislature." Having sent in this paper, he immediately prorogued the Court, but not till the House had raised a committee, consisting of the Speaker (Thomas Cushing), Otis, and another member, to prepare a reply during the recess.

Otis could not wait so long as till the Court should meet again. Without loss of time he prepared and published with his name a pamphlet of fifty pages, entitled "A Vindication of the Conduct of the House of Representatives of the Province of the Massachusetts Bay, more particularly in the last Session."<sup>1</sup> He maintained that the punctiliousness of the House as to the recent action of the Governor was justified by its being a repetition of earlier irregularities of the same sort, which had been too easily passed over; and he argued at length that it was of urgent importance that the House should exercise the prerogative, belonging to it by reason and by the charter, to keep the disposal of money in its own hands, and should resist the establishment of every precedent which

<sup>1</sup> This appears to have been the second publication of Otis with his name. The first, two years earlier, was in a very different department. It was the "Rudiments of Latin Prosody; with a Dissertation on Letters, and the Principles of Harmony in Poetic and Prosaic Composition." This work, with the nearly contemporary "*Pietas et Gratulatio*," indicates the classical accomplishments of that age.



might tend to bring that prerogative into question. With large illustrations from Locke's writings, he laid down a series of political maxims, of which the following made the first half: "1. God made all men naturally equal. 2. The ideas of earthly superiority, pre-eminence, and grandeur are educational, at least acquired, not innate. 3. Kings were (and plantation governors should be) made for the good of the people, and not the people for them. 4. No government has a right to make hobby-horses, asses, and slaves of the subject, nature having made sufficient of the two former for all the lawful purposes of man, from the harmless peasant in the field to the most refined politician in the cabinet, but none of the last, which infallibly proves they are unnecessary. 5. Though most governments are *de facto* arbitrary, and consequently the curse and scandal of human nature, yet none are *de jure* arbitrary." He argued that that part of the language used by the House to which most exception had been taken, was no more than the frank and decent expression of a sentiment which every freeman must entertain. He ridiculed the sensibility which had been wounded by it. "The whole amount of this dangerous proposition may at least in one view be reduced to this; namely, it is of little importance what a King's Christian name is." He urged in warm language the rightfulness and the expediency of an outspoken resistance to every sort and degree of usurped power. "The Province can be in no danger from a House of Representatives daring to speak plain English when they are complaining of a grievance. . . . The Parliament of Great Britain have, as the last resort, been known to appeal to Heaven and the longest sword; but God forbid that there ever should be occasion for anything of that kind again."

A religious question had its place among the anxieties of the time. The "Society for the Propagation of the Gospel in Foreign Parts," which had been established in

England under Episcopal auspices, had of late been assuming a new activity, and had extended its missionary operations into the already well-provided villages of New

England. “We are apprehensive,” wrote Jonathan Mayhew, minister of the West Church in Boston, to his dissenting friend Thomas Hollis, in London, “that there is a scheme forming for sending a bishop into this part of the country, and that our Governor, a true Churchman, is deeply in the plot.” The following year, East Apthorp, minister of a congregation of the Church of England in the New England Cambridge, published “Considerations on the Institution and Conduct of the Society for the Propagation of the Gospel in Foreign Parts,” in which he was understood to foreshadow plans of ecclesiastical usurpation. The treatise was answered by Mayhew in “Observations on the Charter and Conduct of the Society for the Propagation of the Gospel;” and a controversy followed in which the champions appeared so unequally matched, that the defence of the Church was presently assumed by Dr. Secker, then lately created Archbishop of Canterbury. Thomas Hollis, who had the best means of information, thought that the danger of renewed episcopal usurpation was imminent. To the sense of this danger in Massachusetts was probably owing the dismissal of the Governor’s son-in-law, Bollan, the Province’s agent in London, and the substitution for him of Jasper Mauduit, a less able man, but a dissenter. An abortive scheme, favored by the Governor, for establishing a new college at Northampton, was understood to have a design hostile to the ecclesiastical establishments of the Province. The General Court incorporated a “Society for promoting Christian Knowledge among the Indians<sup>1</sup> in North America,” which, in consequence of

<sup>1</sup> Besides furnishing religious ministrations to the few adherents in New England to the Established Church of the mother country, and to such colonists as were not within the reach of the Congregational

remonstrances from the clergy, was disallowed by the King. "If any one," wrote John Adams, in later years, "supposes this controversy to have no influence on the great subsequent question, he is grossly ignorant. It spread an universal alarm against the authority of Parliament. It excited a general and just apprehension that bishops and dioceses and churches and priests and tithes were to be imposed on us by Parliament. It was known that neither the King nor the Ministry nor archbishops could appoint bishops in America without an Act of Parliament; and if Parliament could tax us, they could establish the Church of England here, with all its creeds, articles, tests, ceremonies, and tithes, and prohibit all other churches as conventicles and schism-shops. How, then, can it ever be said the writings of Mayhew against introducing and establishing episcopacy were not important in support of the cause of civil and religious liberty, and against the claims of arbitrary power in the British Parliament?"<sup>1</sup>

churches (with which the Society disclaimed any purpose of interfering), it was thought that the English Society for Propagating the Gospel might set on foot missions among the Indians. Aug. 18, 1761, as the result of a conference held at Fort Pownall with the Penobscot Indians, of which he sent the minutes, Bernard wrote to Lord Holderness, that they wanted a Romish priest, but he thought that they might be content to have an Episcopalian. "An Independent," he said, would not answer, because they must have a religion of ceremony. A clergyman sent by the English Society for Propagating the Gospel might satisfy them, but he would have to use "as much show and form as our religion will admit of." He wrote again, September 29, to the same effect. He found that the Indians had been taught by the priests to call the King of England "King James."

<sup>1</sup> Mayhew, minister of the West Church in Boston, was considerably earlier than any one of his patriotic contemporaries in attracting attention to his name through a published political speculation. As early as 1750, he printed a tract entitled "Unlimited Submission and Non-Resistance to the Higher Powers; with Reflections on the Resistance made to King Charles I., and on the Anniversary of his Death, in which the mysterious Doctrine of that Prince's Saintship and Martyrdom is unriddled."

In 1763 his controversy with the Episcopalians began, by the issue of his "Observations on the Charter and Conduct of the Society for Propagating the Gospel in Foreign Parts." Otis published his "Vindication" the year before this, and Thacher his "Sentiments of a British American" the year after.

Of the stipulations in the treaty of peace concluded  
1763. at Paris between France and England, those  
Feb. which were of particular interest to New England  
related to the fisheries and to the surrender of New France.  
As to the former, it was agreed that the French should  
have a right to take fish on the Banks of Newfoundland,  
and in the Gulf of St. Lawrence more than three leagues  
from the coast, with the privilege of drying and curing  
on specified parts of the islands. Canada, Nova Scotia,  
Cape Breton, and all the islands in the river and Gulf of  
St. Lawrence, became possessions of Great Britain. By  
the King's letters-patent, Quebec and Newfoundland, as  
well as Nova Scotia, received governments corresponding  
to the governments of the royal Provinces earlier consti-  
tuted in North America. They were respectively to have  
Governors appointed by the King, and Legislatures con-  
sisting of two branches, — namely, a Council and a House  
of Representatives of the people.

The General Court of Massachusetts sent an Address to  
1763. the King, congratulating him on a peace so hon-  
May. orable to his counsels and arms, expressing their  
gratitude for the consideration which had been given in  
it to their interest, and promising their endeavors on all  
occasions to merit his favor and contribute to the glory  
and prosperity of his reign. "It has been our unhappi-  
ness," they said, "for more than a century past, to get  
our bread at the peril of our lives, by reason of the sword  
of the wilderness. But the scene is most gloriously  
changed. Now there is safety to those who go out and  
to those who come in, for there is none to make us  
afraid." And in a courteous message to the Governor,  
they acknowledged his services during the war, and as-  
sured him of their desire, in the new state of things, to  
co-operate with him cordially in measures for the just  
and tranquil administration of the Province.<sup>1</sup>

<sup>1</sup> Feb. 3, 1763, the House refused bridge for pay as Attorney-General  
an application from Edmund Trow- on the ground that they had had

Governor Pownall was right when he argued, a year or two after this time, but from considerations present to his mind from his earliest acquaintance with the Colonies, that there were questions of colonial administration which called for a speedy settlement.<sup>1</sup> It was unavoidable that the Ministry should be impressed with the importance of proceeding without delay to determine with precision the mutual relations of the parties, and silence such pretensions of the Colonies as the parent country could not consent to admit.

Among other subjects for consideration, connected with the theory of colonial dependence, was one matter especially of instant practical importance. The recent war had been waged at an enormous expense, — a fact which had been made use of to undermine the power and popularity of Pitt, and which Grenville was in the habit of adducing against him with annoying effect. Sixty-five millions of pounds sterling had been added to the debt of Great Britain. Was it not equitable that the North American colonists, as subjects of Great Britain, should pay their proportion of it, especially when the argument might be plausibly maintained that part of it had been incurred in their defence?<sup>2</sup>

no part in his appointment. But the House next chosen voted him (June 10) £300 "for services done for this government." (Journal of the Representatives; comp. Tudor, Life of Otis, 161.)

<sup>1</sup> "The Administration of the Colonies," pp. 10, 11, 30, 38, 47, 49, 202.

<sup>2</sup> "The circumstances of the times, the necessities of this country, and the abilities of the Colonies, concur in requiring an American Revenue. Great Britain, strained to the utmost of her strength, sinks under the exertion, and will hardly recover by rest alone, without the aid of remedy. Her funded debt,

increased by 65,061,960*l.* 7*s.* 10*d.* for the expenses of the last war, amounts now, the 1,000,000*l.* Civil List debt being included, to the enormous sum of 130,586,968*l.* 4*s.* 0*½d.*, upon which 4,716,681*l.* 4*s.* 11*½d.* interest is annually paid. Her unfunded debt at the end of the war was no less than 9,061,416*l.* 11*s.* 9*d.*, of which 2,464,517*l.* 13*s.* 10*d.* is this year paid off, and 3,483,553*l.* 1*s.* 10*d.* is for the present charged upon the Sinking Fund; but the whole must be paid before that fund can be applied to the diminution of the Funded debt. Her Peace establishment is at the same time increased by the necessity of keeping an army in America, of

And if they ought to make such a contribution, should they be depended upon to make it of their own accord, by grants of their respective legislatures, or might a better uniformity and efficiency be equitably and constitutionally secured by the hitherto untried method of imposing taxes upon them by the authority of the imperial Parliament? The Ministers did not wish to reduce their army; it provided occupation and a living for numbers of their friends; to keep it up seemed to them prudent in view of possible future contingencies; and it would be convenient if an establishment of twenty thousand men could, without cost to the British treasury, be maintained in America ready for use whenever they might be wanted, and be posted meanwhile where they would be a constant reminder to provincial malcontents that the power of Britain might not prudently be defied. A further possible use, which was in contemplation, for an American revenue, was in appropriations by the Crown for the maintenance of civil officers, so as to make them inde-

augmenting her fleet, and of providing for the many expenses of her additional dominions. The whole annual revenue that is necessary to answer all these demands amounts to near 3,000,000*l.*, and is raised by many, and some of them burthensome Taxes, which are imposed, not only upon the Luxuries of the Rich, but which all the researches of Invention, and all the resources of Finance, could not find means to keep off from the Consumption of the Poor; and great part of them are not mere expedients for a present exigency, but are entailed upon our posterity perhaps to distant generations. The whole of this vast revenue is raised in Great Britain, and is paid by the inhabitants of Great Britain, excepting such duties as are levied or retained upon exportation to foreign countries, or to the Col-

onies, and which, after all drawbacks and bounties are allowed, make but a small proportion of the whole." ("The regulations lately made concerning the Colonies, and the Taxes imposed upon them, considered." London, 1765, pp. 56, 57.) In his Catalogue of Books relating to America, Mr. Rich (I presume, correctly) ascribes the authorship of this very important anonymous treatise to Mr. George Grenville. In it the purport of the Sugar Act, as a measure of revenue, is very expressly avowed and defended. (See especially, pp. 79, 87; comp. pp. 101, 108, 113.) This pamphlet bears the London imprint of the year 1765. But its contents refer it to a time before the Stamp Act was passed; at all events, before the American resistance to it was known in England.



pendent of the colonial legislatures, and more at liberty to serve the Crown in measures unwelcome to the Colonies.

It could not be alleged that the method hitherto pursued for obtaining money from a Colony for the King's service had proved ineffectual. The Colonies confidently maintained that as often as his wishes had been made known to them through his Secretary of State, their assemblies had complied with such applications liberally, and to the very extent of their means; and that this was well understood on both sides, was evinced by the fact that, as the war proceeded, Parliament voted to the Colonies for their reimbursement a sum not much less than a million of pounds sterling.<sup>1</sup> Besides losing no fewer than thirty thousand men in the field, they had spent not less than three millions of pounds, of which a sixth part had been contributed by Massachusetts, and a proportion not very much inferior by Connecticut.<sup>2</sup>

The project of taxing the American Colonies by Act of Parliament was, while far more offensive, of the same kind as that of enforcing a fixed salary for magistrates, which Massachusetts had obstinately refused, and by her perseverance had induced the Ministry to desist from claiming. If the scheme was not a novelty,<sup>3</sup> it had always been approached with misgivings, and different considerations of prudence had at different times caused it to be dismissed. During the war, and especially as peace

<sup>1</sup> Hansard, Parliamentary History, XV. 936, 963, 1003, 1214, 1319.

<sup>2</sup> "The American governments themselves have, in the prosecution of the late war, contracted very large debts, which it will take some years to pay off, and in the mean time occasion very burdensome taxes for that purpose only. For instance, this government [Massachusetts], which is as much beforehand as any, raises every year £37,500 sterling for sink-

ing their debt, and must continue it four years longer at least before it will be clear." (Bernard, Select Letters, &c., 30, 31.)

<sup>3</sup> See above, pp. 93, 94. The scheme could not fail to be much canvassed at the time of the abortive Colonial Congress of 1754. Lord Halifax seems to have early entertained, and never to have lost sight of it.



approached, and the condition of things which would follow it came into a clearer view, the plan occasioned much speculation and dispute. It was understood that at this time agents were employed by the Board of Trade in different parts of the Provinces, to ascertain their material resources, and further to make observations on their condition and sentiments, with a view to such a remodeling of their governments, if possible, as would bring them into greater subordination to the Crown. The Governor of Massachusetts communicated to the General Court an instruction which had reached him from the Board of Trade, to have a census taken of the number of inhabitants. The Court delayed action upon it, some of the members professing scruples as to its falling under a similar condemnation to the sin of King David when he undertook to number Israel.<sup>1</sup>

When the policy of drawing a revenue from America had been resolved upon, the methods to be used in collecting it remained to be determined. Two methods were ultimately approved, — those digested in the Acts of Parliament respectively called the *Sugar Act* and the *Stamp Act*. In the first place, Charles Townshend, at the head of the Board of Trade,<sup>2</sup> proposed important changes in the regulations of colonial commerce. Hitherto the duties on goods imported from the French and Spanish islands into the continental Colonies had been so high as to be prohibitory. But in the absence of entries of such goods at the custom-houses, there had been all along an active illicit traffic, — if that traffic is to

<sup>1</sup> The census was, however, taken at last. (See House Journal for Feb. 2, 1764, Feb. 16, 1765. Comp. Hutchinson, III. 104; Grahame, IV. 142, 143; "Abstract of the Census of Massachusetts, 1865," pp. 172, 176, 180, &c.)

<sup>2</sup> At the end of February, 1763, Mr. Charles Townshend succeeded

Lord Sandys for a little while as President of the Board of Trade, and was himself succeeded the same year by Lord Shelburne and Lord Hillsborough. Lord Sandys had held the place since April 28, 1761, with Soame Jenyns for one of his colleagues.

be called illicit which was notorious and avowed, and at which the revenue officers constantly and openly connived. For generations they had practised this indulgence in New England without apprehension of being called to account by their superiors; for the effect of it was not prejudicial, but highly advantageous to the business of the mother country, since by the lumber, fish, and live-stock which they sent to Cuba and Guadeloupe, the New England people got sugar and molasses, which furnished them with money to pay for English manufactures. It was now determined to reduce the duty to such a rate as it was thought the trade would bear, and then to collect it rigorously by officers sent from England, who, after meeting prescribed charges on the spot, were to remit the residue of what they received to the royal exchequer in hard money.<sup>1</sup> And while this measure of a diminished duty was maturing, 1763. April. orders were issued to naval officers on the American station, instructing them to detain and libel all vessels found violating any provision of the Navigation Acts, — orders which placed a power susceptible of great abuse in hands by no means fit to exercise it, while there was no provision for redress except by the tardy and expensive method of an appeal to the supreme authorities in England. These orders, says the historian Minot, are “said to have caused a greater alarm in the country than the taking of Fort William Henry,”<sup>2</sup> the disaster which five years before

<sup>1</sup> Aug. 3. 1763, Bernard wrote to Richard Jackson his objections to the measure, though, he said, it had this recommendation, that “by it a fund might be established sufficient to create a civil list for each Colony, which is a provision absolutely necessary for the firm establishment of government in this country.” (Bernard’s MS. Letters, III. 93.) The English merchants trading to the West Indies solicited the new Sugar

Act as a protection to their business. Distinctly as it was urged as a revenue measure, it could scarcely have been expected to yield much, and in that aspect is perhaps to be regarded as chiefly tentative, in preparation for further proceedings such as that which followed in the Stamp Act.

<sup>2</sup> Minot took this language from Bernard’s letter of Jan. 7, 1764. (Select Letters, &c., 9.) July 9, 1763, the Governor was instructed by Lord

seemed to lay New England open to unlimited devastations of the French and Indians. It was apprehended that in Massachusetts the annual loss to be sustained from the enforcement of the new act would be not less than a hundred and sixty-four thousand pounds; while vessels worth a hundred thousand pounds would be rendered nearly useless, and there would be a further loss of property amounting to scarcely less than a quarter as much, as the worth of the various articles of equipment and forms of industry used in the prosecution of the business. Five thousand seamen would be thrown out of employment, and the lucrative trade with Spain and Portugal in fish and other commodities would all be broken up.

To questions addressed to himself by the Lords of Trade, the Governor replied that "a list of the shipping, from ten tons upwards, belonging to the several towns in the Province, was taken by order of the General Court in 1761, and the returns amounted to fifty-seven thousand tons; but this was undoubtedly imperfect. The shipping of Boston," he wrote, "has decreased of late," — a decline which he attributed partly to illicit trade carried on in Rhode Island, Connecticut, &c. Molasses brought from the West Indies in large quantities, he said, was in Massachusetts distilled into rum, which was shipped to Newfoundland, exchanged in Maryland and Virginia for corn and pork, "used in the prosecution of the fisheries, and some part (perhaps too much) consumed by the inland inhabitants. I cannot help," he added, "recommending the promotion of the molasses distillery in this Province. . . . The inhabitants of the trading towns, men, women, and children, have their whole supply of clothing from Great Britain. Most of the women of other towns also

Egremont, and October 11 by the Lords of Trade, to execute strictly "the act of the late session of Parliament" and to co-operate with naval officers for that purpose. (See Bernard's MS. Letters, X. 119, 131.)

have the principal thence; the men have more or less. The poor laboring people of the country towns wear their common clothes principally of coarse homespun linens and woollens." Men's shoes were mostly of domestic manufacture; "women's, partly only. Most of the furniture of the houses in the trading towns is of British manufacture," as well as all the hardware in use; except that of "cast metal or hollow ware there is enough made for the inhabitants," and some to export. "The Laws of Trade are better supported in this Province than in most others of America. . . . Writs of Assistance are now granted in as effectual a form as in England."<sup>1</sup> The population he estimated (but too low, probably, by a fifth) at two hundred thousand, of which number two thousand two hundred and twenty were slaves, very few were free negroes and mulattoes, and of Indians "not many hundred. . . . The people here are very much tired of negro servants." War, disease, and removals, especially of late to New Hampshire, had kept down the population. "The Charter is duly carried into execution. . . . The royal rights are never openly invaded. The utmost that is done is to dispute what are royal rights. . . . It was an unfortunate error, in forming this government, to leave the Council to be elected by the Representatives of the people." He would have the Counsellors appointed by the King for life, and "some title, such as Baron or Baronet, annexed" to the office. "The people in general," he wrote, "are as well inclined to his Majesty's govern-

<sup>1</sup> June 8, 1763, Bernard wrote to Richard Jackson that the General Court just then chosen was well affected, and that Otis was not in good credit with them. "The new Assembly is uncommonly full of men of ability and friends to the government. . . . They have removed their chaplain [Samuel Cooper], who, though a very good man, and I be-

lieve quite friendly to me, was supposed to be connected with Otis." (Bernard's MS. Letters, III. 73.) They substituted Andrew Eliot. "The friends of government in the Assembly are above two to one." (Ibid.) In another letter (Ibid., 78), he confirms this statement, and enlarges upon it.

ment, and as well satisfied with their subordination to Great Britain, as any Colony in America." But he strongly recommended that provision should be made for the support of the Provincial government, such as should free it from dependence on grants of the General Court.

1764. He wrote in the same month in which the Lords  
Sept. of the Treasury applied to the Commissioners of the Stamp Duties for the draught of a bill to extend those duties to the Colonies.

### CHAPTER III.

By their agent in England, the General Court of Massachusetts were seasonably informed of what they had to expect in reference to restrictions on trade with the French and Spanish sugar islands in the West Indies.<sup>1</sup> The importance of the question which arose was thought to entitle it to be managed by a person of more ability than was attributed to Mr Mauduit; and such was still the position of Lieutenant-Governor Hutchinson, notwithstanding his recent decline in the popular favor, that, with scarcely any opposition in either branch of the Court, he was chosen to go to England as special agent in charge of the business. The Governor doubted whether a person invested with such high trusts in the Province could properly be spared from them without the royal permission. Oxenbridge Thacher, who had been absent from the House at the time of Hutchinson's appointment, and who already, with other leading patriots, distrusted his honesty, took advantage of the

1764.

Jan.

<sup>1</sup> "All agree that a practicable duty on sugar and molasses should be raised, and the payment of it enforced. To attempt to controvert either of these would be to no manner of purpose." (Jasper Mauduit to the Speaker, Dec. 30, 1763, in *Mass. Arch.*, XXII. 340.)

"This session began at Boston, December 21, 1763, but the small-pox beginning to spread in the town, the Governor . . . . adjourned the

Court . . . . to Cambridge. The night after the 24th of January, the building called the old College was entirely consumed by fire, which began in the library, the room where the Council had sate the evening before. . . . A much better building was erected at the charge of the Province, planned by the Governor, who was a very ingenious architect. . . . " (*Hutch. Hist.*, III. 105, n.)

delay thus interposed to revive the question, and, urging the Lieutenant-Governor's attachment to prerogative, and the impropriety of employing a Crown officer as a representative of the Province, he succeeded in obtaining a revocation of the action of the House. The Council refused to concur in this last proceeding; but to no effect, as the House could not be prevailed upon to join in instructions to the agent.<sup>1</sup>

At this time the Governor made James Otis, the elder, first Justice of the Court of Common Pleas, and Judge of Probate for his county. Perhaps he hoped by these favors to disarm the opposition of that magistrate, and the more powerful opposition of his son. However this may have been, James Otis, the younger, was kept in the van of the existing conflict.

While the apprehension prevailed that the more rigorous commercial restrictions, of which warning had been received, would presently be imposed by Parliament, he composed a treatise which was published in Boston and reprinted in London, with the title "The Rights of the

<sup>1</sup> The remnant of the Acadian exiles in Massachusetts continued to solicit the Governor's attention. Aug. 24, 1763, he wrote to the Lords of Trade that they had signified to him their intention to go to Old France, and that they expected transports to be sent to convey them thither. Shortly after (Jan. 9, 1764), he wrote to Lord Halifax that sixteen Acadian families had "procured two sloops and embarked therein, but were stopped at the Castle." They had appealed to him, but his answer was that he should do no "act which would imply his consent to their departure; however, found soon that they were gone, I suppose through another channel than that of the Castle." (He afterwards learned that they had found their way to St. Pierre, but

that Maurice, their leader, "with tears in his eyes, lamented that he had left this country.") "When they lived in Nova Scotia, under the name of *Neutrals*, they had no other legislator or magistrate but their Priest, who exercised a dominion over them as absolute as it could have been if he had derived it from any King whatsoever. . . . They have for some time past lived upon their own labor. . . . The people in general are very kind to them, and would be glad to have them continue among them." The orders from abroad continued to forbid their departure. (Comp. Sparks's Coll. Bernard Letters, II. 84, III. 197, IV. 43, X. 115, 139, 266; Journal of the House of Representatives for Jan. 24 and Feb. 15, 1765; Feb. 13, Nov. 7, 8, 1766; June 6, 1767.)



British Colonies asserted and proved." This work, however daring and vigorous in some respects, can scarcely be considered in others as an expression of the highest tone of opposition to ministerial pretensions that had yet been reached. As Otis's views stood at present, he conceded to Parliament a legal competency to adopt measures for revenue, which at the same time he agreed with his fellow-citizens in regarding as inequitable and tyrannous.<sup>1</sup> His theory carried him far in admissions of the authority of "that august body, the Parliament of Great Britain, . . . . the supreme Legislature of the Kingdom and its dominions." He "lays it down as a first principle . . . . that all the British Colonies are subject to and dependent on Great Britain, and that therefore, as over subordinate governments, the Parliament of Great Britain has an undoubted power and lawful authority to make Acts for the general good, that shall and ought to be equally binding as upon the subjects of Great Britain within the realm." Nay, more; he held that subjects in a British Colony had no security against oppression by Parliament except in the Parliament's sense of justice. "We must and ought to yield obedience to an Act of Parliament, though erroneous, till repealed. . . . There would be an end of all government if one or a number of subjects or subordinate Provinces should take

<sup>1</sup> Otis continued to entertain this view after the passing of the Stamp Act. "Mr. J——s says, 'Imposing taxes on *our* Colonies has been called harsh and arbitrary.' By whom? I never heard one man of sense and knowledge in the laws and British Constitution call the parliamentary authority arbitrary. The power and authority of Parliament is not to be questioned. Nay, after all the bustle, the authority of that august body really never has been questioned by one of the Colony writers, when duly attended to.

The mode of exercising this authority, and the manner of proceeding, may in some instances have been thought a little hard and grievous, and may be again." ("Considerations on Behalf of the Colonists in a Letter to a noble Lord." This tract was sent, Sept. 4, 1765, from Boston to London, to be printed there by Almon, as appears from p. 52. It was in reply to "Objections to the Taxation of our American Colonies . . . . briefly considered," by Soame Jenyns, then a member of the Board of Trade.)

upon them so far to judge of the justice of an Act of Parliament as to refuse obedience to it." In an extreme case of oppression, indeed, he considered that the sufferer was entitled to an extraordinary remedy, but still a remedy within the normal course of administration. "If the reasons that can be given against an Act are such as plainly demonstrate that it is against natural equity, the executive courts will adjudge such Act void. It may be questioned by some, though I make no doubt of it, whether they are not obliged by their oaths to adjudge such an Act void."

Otis vehemently disclaimed for the Colonies all ambition for independence. Referring to Pownall's work entitled "Colonial Administration," he said: "It is a mistake in this author to bring so heavy a charge as high treason against some of the colonists, by representing them 'as claiming in fact or in deed the same full, free, independent, unrestrained power and legislative within their several corporations, and under the King's commission and under their respective charters, as the government and legislature of Great Britain holds by its constitution and under the Great Charter. No such claim was ever thought of by any of the Colonies.' . . . . Could the choice of independency be offered the Colonies, or subjection to Great Britain upon any terms above absolute slavery, I am convinced they would accept the latter."

On the other hand, disregarding and even expressly condemning the still current distinction between external and internal taxes, the writer took the bold ground of claiming for the colonists the right of exemption from all taxation by Parliament. Nor was he satisfied to rest this pretension on their charters (though these, he insisted, had been dearly purchased), even if interpreted, as they ought to be, as involving that right. Nor was he content to set forth the liberality with which Massa-

chusetts had always, by her unconstrained grants, taken part in the public burdens, though "the Province of the Massachusetts," he says, "I believe has expended more men and money in war since a few families first landed in Plymouth, in proportion to their ability, than the three kingdoms together. The same, I believe, may be truly affirmed of many of the other Colonies, though the Massachusetts has undoubtedly had the heaviest burden." He recurred to first principles, and treated with great boldness the profound question of the origin and foundation of government. "Our forefathers . . . thought they were earning a sure inheritance for their posterity. Could they imagine it would ever be thought just to deprive them or theirs of their charter privileges? Should this ever be the case, there are, thank God! natural, inherent, and inseparable rights as men and as citizens, that would remain after the so-much-wished-for catastrophe, and which, whatever became of charters, can never be abolished *de jure*, if *de facto*, till the general conflagration." The good of the governed is the end of government, and the governed are the ultimate governors. "Supreme absolute power is originally and ultimately in the people; and they never did in fact, freely, nor can they rightfully, make an absolute unlimited renunciation of this divine right. It is ever, in the nature of the thing, given in trust and on condition, the performance of which no mortal can dispense with; namely, that the person or persons on whom the sovereignty is conferred by the people shall incessantly consult their good. . . . The form of government is by nature and by right so far left to the individuals of each society that they may alter it from a simple democracy, or government of all over all, to any other form they please."

Otis specified certain "first principles of law and justice," as being "the great barriers of a free state, and of the British Constitution in particular." Among them

was this, that "the supreme power cannot take from any man any part of his property without his consent in person or by representation; taxes are not to be laid on the people, but by their consent in person or by deputation. . . . To be free from all taxes but what he consents to in person or by his representative, — this right, if it could be traced no higher than Magna Charta, is part of the common law, part of a British subject's birthright, and as inherent and perpetual as the duty of allegiance, both which have been brought to these Colonies, and have been hitherto held sacred and inviolable. . . . What one civil right is worth a rush, after a man's property is subject to be taken from him at pleasure, without his consent? If a man is not his own assessor, in person or by deputy, his liberty is gone."

"A representation in Parliament from the several Colonies . . . can't be thought an unreasonable thing, nor, if asked, could it be called an immodest request." But such an arrangement would not be the best. Though, in order to justify Parliament in taxing the Colonies, the Colonies ought to be represented in Parliament, it was better for both parties that in that body there should be neither colonial representation nor colonial taxation.<sup>1</sup> "No representation of the Colonies in Parliament alone would be equivalent to a subordinate legislative among themselves, nor so well answer the ends of increasing their prosperity and the commerce of Great Britain. It would be impossible for the Parliament to judge so well of their abilities to bear taxes, impositions on trade, and other duties and burdens, or of the local laws that might be really needful, as the legislative here."<sup>2</sup>

<sup>1</sup> For considerations showing the practical impossibility of a colonial representation in Parliament, a plan relinquished about as soon as proposed, see the works of Edmund Burke, I. 305.

<sup>2</sup> "Adam Smith, who proposed a

general taxation of the empire to pay the public debt (Wealth of Nations, book v. chap. iii.), coupled it with the Irish Union and a representation of America." (Brougham's Statesmen of George III., Vol. III. 281, note.).

“The sum of my argument,” said the writer, in conclusion, “is that civil government is of God; that the administrators of it were originally the whole people; that they might have devolved it on whom they pleased; that this devolution is fiduciary for the good of the whole; that, by the British Constitution, this devolution is on the King, Lords, and Commons,—the supreme sacred and uncontrollable legislative power, not only in the realm, but through the dominions; that by the abdication [of King James] the original compact was broken to pieces; that by the Revolution it was renewed and more firmly established, and the rights and liberties of the subject in all parts of the dominions more fully explained and confirmed; that in consequence of this establishment, and the acts of succession and union, his Majesty George the Third is rightful king and sovereign, and, with his Parliament, the supreme legislative of Great Britain, France, and Ireland, and the dominions thereto belonging; that this constitution is the most free one, and by far the best now existing on earth; that by this constitution every man in the dominions is a free man; that no parts of his Majesty’s dominions can be taxed without their consent; that every part has a right to be represented in the supreme or some subordinate legislature; that the refusal of this would seem to be a contradiction in practice to the theory of the constitution; that the Colonies are subordinate dominions, and are now in such a state as to make it best for the good of the whole that they should not only be continued in the enjoyment of subordinate legislation, but be also represented in some proportion to their number and estates in the grand legislature of the nation; that this would firmly unite all parts of the British Empire in the greatest peace and prosperity, and render it invulnerable and perpetual.”

The dreaded measure, however, was adopted. By a

1764.  
April. new Act of Parliament, various articles of commerce were for the first time made subject to duties on exportation from or importation into the Colonies. Instead of those duties on sugar and molasses from the French and Spanish islands which, if the law was executed, would be prohibitory, smaller duties were imposed, for the rigorous collection of which provision was made by special regulations; and the preamble to the Act expressly divested it of the character of a mere regulation of commerce, by declaring it to be "just and necessary that a revenue be raised in his Majesty's dominions in America for defraying the expenses of defending, protecting, and securing the same."<sup>1</sup>

1764.  
May. The citizens of Boston, assembled in town-meeting when intelligence of the passing of this Act had just arrived, raised a committee, consisting of five persons, to prepare instructions for their Representatives in the General Court, which was about to assemble. The Representatives were Thomas Cushing (Speaker of

<sup>1</sup> See Hansard, Parliamentary History, XV. 1427. March 10, 1764, Mauduit wrote that, the day before, he had heard Mr. Grenville's speech of two hours and three quarters "to open the budget," in which he argued "the indispensable necessity there was for every part of the government to contribute their utmost to lighten the public burden. What gave me," the agent continues, "the most concern to hear, was a Resolve that it is the opinion of this committee that three pence per gallon be paid on all foreign molasses imported into North America. Another resolution was for a Stamp Duty." (Mass. Arch., XXII. 357.)

March 13, he wrote that the Resolves relating to measures to be embodied in the proposed Sugar Act had been passed. "The *Stamp Duty* is deferred till next year; I mean the actual laying it; Mr. Grenville being

willing to give to the Provinces their option to raise that or some equivalent tax." (Ibid., 359; comp. Hansard, Parliamentary History, XV. 1427-1430, note.)

April 7, he wrote that the "Plantation Bill" (the *Sugar Act*) had passed, and gave at length the reasons assigned for it. "I should only flatter and deceive the General Court if I led them to imagine that any one man of consequence in Parliament would stand up in his place and avow an opinion that America ought not to bear at least the greater part of the expenses of its own government, or that Acts of Parliament . . . were not obligatory upon all his Majesty's subjects in all parts of his dominions." (Mass. Arch., XXII. 359.)

April 12, he transmits an official copy of the "Plantation Bill." (Ibid., 369.)

the last House), Royal Tyler, James Otis, and Oxenbridge Thacher. The preparation of these instructions by Samuel Adams may be in some sort considered to mark his entrance on public life. He was the son of a tradesman of Boston, who had represented that town in the General Court, where he had been active in opposition to Governor Shute, and had been re-<sup>1747.</sup>jected by Governor Shirley when elected to be a Counsellor. Samuel Adams, after completing the course of education at Harvard College, had at first de-<sup>1740.</sup>signed to devote himself to the clerical profession, but from this purpose he was diverted by a growing interest in the political agitations of the period. For a little while he studied law, and was then engaged for a few months in a merchant's counting-house, from which employment he passed to be a partner of his father, who was a brewer. He succeeded to the business at his father's death; but it did not prosper, and he<sup>1748.</sup> became one of the selectmen and one of the tax-<sup>1763.</sup>collectors of Boston, the latter being a paid office. From early manhood he had been a frequent writer in the newspapers on subjects of political interest; he had industriously cultivated the arts of popular impression, and the friendship of political movers in all conditions; and, in the large circle to which his acquaintance now extended, he exerted the great influence due to talent, experience, assiduity, and patriotic zeal. He was now forty-two years old.<sup>1</sup>

<sup>1</sup> The writer of the very valuable biography of Samuel Adams says that "as early as during Shirley's administration he had undoubtedly pondered over the subject of a future separation of the American Colonies from the mother country." (Wells, *Life and Public Services of Samuel Adams*, I. 311.) It would be interesting to see proof of this statement. But, as at present advised, I suppose

that it was hasty, and that it cannot be sustained. Ten years later than when Adams came thus conspicuously into public notice, he wrote (to Charles Thompson, June 2, 1774): "Would to God, they all, even our enemies, knew the warm attachment we have for Great Britain, notwithstanding we have been contending these ten years with them for our rights!" (Frothingham, *Life of*



The "Instructions" were conceived in a moderate tone, and related mostly to general topics. They advised legislation for vacating, till a re-election, the seats of members of the House who should become Crown officers; a reconsideration of the laws of excise; a liberal stipend for the judges; frugality in the public expenses; and a careful attention to the resources of material prosperity, especially to the course of trade, which already "labored under great discouragements," and was threatened with new burdens, the unjust and hurtful character of which ought immediately and urgently to be represented in Great Britain. But the following paragraphs were especially significant and effective as a popular appeal:—

"What still heightens our apprehensions is that these unexpected proceedings may be preparatory to new taxations upon us. For, if our trade may be taxed, why not our lands? Why not the produce of our lands, and everything we possess or make use of? This, we apprehend, annihilates our charter-right to govern and tax ourselves. It strikes at our British privileges, which, as we have never forfeited them, we hold in common with our fellow-subjects who are natives of Britain. If taxes are laid upon us in any shape without our having a legal representation where they are laid, are we not reduced from the character of free subjects to the miserable state of tributary slaves?

"We therefore earnestly recommend it to you to use your utmost endeavors to obtain in the General Assembly all necessary instruction and advice to our agent at this most critical juncture; that—while he is setting forth the unshaken loyalty of this Province and this town, its unrivalled exertion in supporting his Majesty's govern-

Warren. 232.) And on the very eve of the first conflict of arms he wrote (to Arthur Lee, Feb. 14, 1775) of independence, as "what some of them [the ministry] affect to apprehend, and we sincerely deprecate." (Frothingham, *Rise of the Republic*, 400.)

ment and rights in this part of his dominions, its acknowledged dependence upon and subordination to Great Britain, and the ready submission of its merchants to all just and necessary regulations of trade — he may be able in the most humble and pressing manner to remonstrate for us all those rights and privileges which justly belong to us either by charter or birth.

“As his Majesty’s other northern American Colonies are embarked with us in this most important bottom, we further desire you to use your endeavors that their weight may be added to that of this Province; that, by the united application of all who are aggrieved, all may happily obtain redress.”

When Bernard met the Court, he took no <sup>1764.</sup> notice in his message of the great question of the <sup>May-June.</sup> day, but, as if to divert their attention, endeavored to direct it to the condition of the eastern Indians. Following out the purpose of the last paragraph but one of the Instructions from his constituents, Otis, as Chairman of a Committee of the House of Representatives, reported a letter of rebuke to the agent in England for the timid character of his communications with the Ministry. “‘You hope,’” the Committee wrote, quoting the agent’s language, “‘there will be found a general disposition to serve the Colonies, and not to distress them.’”<sup>1</sup> The sudden passing of the Sugar Act, and continuing a heavy duty on that branch of our commerce, we are far from thinking a proof that your hope had any solid foundation. No agent of this Province has power to make express concessions in any case without express orders. And the silence of the Province should have been imputed to any cause, even to despair, rather than be construed into a tacit cession of their rights, or an acknowledgment of a right in the Parliament of Great Britain to impose duties

<sup>1</sup> The rebuke relates to letters of his of Dec. 30, 1763, Feb. 11 and March 13, 23, 1764.

and taxes upon a people who are not represented in the House of Commons."

Along with this letter, the Representatives voted to send to Mauduit a "Brief State of the Rights of the British Colonies . . . . drawn up by one of the House," which the agent was informed was "to be improved as he might judge proper." This paper, which without doubt was written by Otis, contains what is to a considerable extent an abstract of the argument in his treatise then about to be published.<sup>1</sup> After some preliminary considerations going to establish that "the Colonies having been by their charters declared natural subjects, and entrusted with the power of making their own laws, not repugnant to the laws of England," the question is stated as being "not upon the general power or right of the Parliament, but whether it is not circumscribed within some equitable and reasonable bounds. The Judges of England have declared . . . . that Acts of Parliament against natural equity are void, that Acts of Parliament against the fundamental principles of the British Constitution are void. . . . It is evidently the interest, and

<sup>1</sup> The paper voted by the Representatives, June 13, 1764, to be sent to Mauduit in England was not, I think, what it has been supposed to be, namely, Otis's "Rights of the British Colonies asserted and proved," but an outline of it under the title of "Substance of a Memorial," &c. It is printed in all the editions which I have seen as the second article in the Appendix to Otis's "Rights of the British Colonies," &c. The vote (see House Journal) speaks of the paper as a "brief state," &c., which Otis's "Rights of the British Colonies" was not. (See Hutch., III. 110.) June 29, 1764. Bernard wrote (Sparks's MS. New England Papers, I. 90) that the book promised in the instructions to the agent was not yet published. The "Boston Evening

Post" of July 23 advertised Otis's "Rights of the British Colonies," &c., as "this day published."

The Boston Evening Post,  
July 23, 1764.

This Day Published  
And to be sold by Edes & Gill in Queen Street.  
[Price one Pistareen and an Half]  
The Rights of the British Colonies,  
Asserted and Approved.  
By James Otis, Esq.

Hutchinson says (III. 107), that Otis wrote a "pamphlet," which was printed in the beginning of 1764, upon the subject of taxes by Parliament. This was probably the "book published by Mr. Otis," which was referred by the House to their Committee, prior to the latter's reporting, on the 13th of June, a letter to the agent. (Hutch., III. 110.)

ought to be the care, of those entrusted with the administration of government, to see that every part of the British Empire enjoys to the full the rights they are entitled to by the laws." And the argument is urged that restrictions on the commerce of New England with the Sugar Islands were not, and could not be, productive to Great Britain, but, on the contrary, must be detrimental to the business of that country.

Another particular of the course in which the Instructions to the Boston Representatives were followed out, was of still greater interest at the time, and led to consequences of the utmost importance. The day <sup>1764.</sup> before the prorogation of the Court, the House <sup>June.</sup> appointed a Committee to correspond with the Assemblies of the several Anglo-American Colonies, with a view to the common action of each for the protection of all.<sup>1</sup> The contrivance of this machinery of *Committees of Correspondence*, which played a material part in the later transactions, has been referred with high probability to Samuel Adams. If it was his, what it indicates is his forwardness in promoting union as a means of strength. The particular method — that of correspondence, and of committees to carry it on — would naturally suggest itself to any mind as soon as the desirableness of joint action had become sufficiently apparent.<sup>2</sup>

<sup>1</sup> Bernard perceived the importance of this measure, and wrote of it to the Board of Trade, June 29. (MS. Letters, III. 159.)

<sup>2</sup> The proceedings of this Court gave high offence to the authorities at home. "Their Lordships took into consideration the printed votes of the House of Representatives of Massachusetts Bay . . . . as also a book therein referred to, . . . . and it appearing to their Lordships that in the said votes the Acts and Resolutions of the British Parliament were treated with indecent disre-

spect, and principles of a dangerous nature and tendency adopted and avowed, it was agreed to lay said papers before his Majesty and Council," &c. (Journal of the Board of Trade, for Dec 11. 1764 ) The Privy Council referred the papers to a Committee, on whose report "several votes of the House of Representatives of Massachusetts Bay, of the 1st, 8th, 12th, and 13th of June, 1764," were submitted to the King, with the Council's "opinion that it is a matter of the highest consequence to the Kingdom and the legislature of Great

In the existing temper of the General Court, the Governor was uneasy as long as it was in session, and he hastened to prorogue it. But the solicitation of some leading members of both branches prevailed upon him, contrary to his intention, to convene it again in the autumn.<sup>1</sup> When it met, one of the first acts of  
 1764  
 Oct. the House was to adopt, on the motion of Oxenbridge Thacher, a petition to Parliament for a repeal of the new Sugar Act. The Council, not liking the language employed by the other branch, refused its concurrence. A conference resulted in an agreement to send to the House of Commons a petition, the preparation of which was intrusted to Hutchinson, so great were still the fascination of his brilliant powers and the weight of his prescriptive influence. He produced a Memorial with which all parties professed themselves satisfied, except in respect to one word. He had argued against the obnoxious tax on the ground of the *privileges* of the Colony. The House substituted the word *rights*. The Council refused to accept the alteration. At length the word *liberties* was agreed upon. "The opposers of the Address in the House," says Hutchinson, in his History,<sup>2</sup> "labored for the assertion of an exclusive *right* in the assemblies of the Colonies to impose taxes and duties on the inhabitants in all cases whatever. The Council supposed such an Address would never be received by the House of Commons, and therefore thought it more prudent to consider the exemption from taxes as an indulgence, which Parliament had always shown to the Colonies, in leaving to the re-

Britain, and worthy the consideration of Parliament;" and it was ordered "that Secretary Lord Halifax do receive his Majesty's pleasure with respect to the time and manner of laying said papers before Parliament." (Register of the Privy Council for Dec. 12, 14, 19, 1764.)

<sup>1</sup> This would give the Representatives an opportunity, he wrote to Jackson, to lay a tax themselves, should they see fit to do so. (MS. Letters, III. 248.)

<sup>2</sup> III., 114.

spective legislatures those powers which otherwise would have been exercised by Parliament."

The petition was in the moderate strain which might appear best adapted to the exigencies of Nov. the time, but, at all events, might have been expected from its authorship. On the same day when it was finally acted on (which was the last day of the session), the Court also sent urgent instructions to the agent, of the same tenor as before; a letter to the other Colonies, "informing them of the proceedings of this government;" and a joint Address to the Governor, complaining that the late Act of Parliament encroached on their civil rights, and deprived them of privileges enjoyed by Englishmen at home. They prayed him to intercede with the Ministers to have them "eased of the burden" of the Sugar Act, and of their apprehensions of the Stamp Tax which was threatened. But they owned it to be their duty to yield obedience to the Act while it continued unrepealed.<sup>1</sup>

<sup>1</sup> Bernard was well satisfied with the temper of the Court at this session. He wrote to Lord Halifax (November 10): "The business by degrees got into the hands of moderate men and friends to government, and by means of two conferences between the two Houses was concluded with the utmost unanimity and good humor. The Council, with the Lieutenant-Governor at their head, acted a most prudent and steady part through the whole." (MS. Letters, III. 189) Again to the Lords of Trade (November 12): "In the late session, duty, prudence, and moderation prevailed in a manner unexpected, so that there scarce ever was a more unanimous and quiet session." (Ibid., 187.) Again, to J. Pownall (November 17): "The petition to Parliament was agreed upon, which I hope will be thought decent and respectful. . . . This session,

which was expected to be a very turbulent one, proved the most quiet and temperate I ever knew, considering the importance of the matters that were debated." (Ibid., 260, 261.)

Respecting the plan for "a new division of the governments of New England," which, as Bernard was informed by Jackson, was now thought of, and which the former had long ago deemed probable (see above, p. 229), he wrote (October 22), that it could not be made "without regarding the humors of the people." (MS. Letters, X. 230.) And again, to Lord Halifax (November 9), "I have long been convinced that the present distribution of the lands between New York and Nova Scotia must sooner or later be put under new establishments. This business seems only to have waited for a proper time, and probably that time has now come. . . .

In a pamphlet entitled "The Sentiments of a British American," Oxenbridge Thacher also argued against the Sugar Act. The Colonies, he maintained, having "had their share of efficiency in the late successes" of the mother country, and having "indeed contributed to the advancing and increasing its grandeur from their first beginnings," had "reason to expect that their interest should be considered and attended to; that their rights, if they had any, should be preserved to them; and that they should have no reason to complain that they had been lavish of their blood and treasure in the late war only to bind the shackles of slavery on themselves and their children. . . . The Colonies are not the mere property of the mother state; they have the same rights as other British subjects. . . . It is esteemed an essential British right that no person shall be subject to any tax but what in person or by his representative he hath a voice in laying." The late Act of Parliament "for granting certain duties in the British Colonies and plantations in America" is "a grievance," because it levies taxes on the colonists "without the consent of their representatives. . . . Besides, the Colonies have ever supported a subordinate government among themselves. . . . They have always been taxed by their own representatives and in their respective legislatures, and have supported an entire domestic government among themselves. Is it just, then, they should be doubly taxed; that they should be obliged to bear the whole charges of their domestic government, and should be as subject to the taxes of the British Parliament as those who have no domestic government to support?"

I will suppose that the two republics of Connecticut and Rhode Island are to be dissolved." Massachusetts, he thinks, should have a legislative council for life, appointed by the King, and there should be "a certain and

sufficient civil list." He cannot think that his plan, if adopted by Parliament, "will meet with much difficulty in this Province [Massachusetts], being manifestly greatly for its advantage."



It could not be maintained that the war just closed was undertaken for the security of the Colonies, and that they ought therefore to be taxed, to pay the charge thereby incurred; for the security of the Colonies against the French was as important to Great Britain as to themselves; the Colonies contributed their full proportion of men and money to the war; and they "were no particular gainers by these acquisitions," none of the conquered territory being annexed to them,<sup>1</sup> while Great Britain gained immensely by "the command of the whole American fur-trade, and the increased demand for their woollen manufactures from their numerous new subjects in a country too cold to keep sheep."

The extraordinary power given by the late Act to Courts of Admiralty was set forth in this treatise as a special subject for complaint. In those courts, in which there was no protection in a trial by jury, "the colonists were put under a quite different law from all the rest of the King's subjects." In the colonial courts of Admiralty the judge had a commission of five per cent on the value of all property seized and condemned. "What chance does the subject stand for his right upon the best claim, when the judge, condemning, is to have an hundred or perhaps five hundred pounds, and, acquitting, less than twenty shillings?"<sup>2</sup> The revenue officer, making a seizure, might have his case tried "in any court of Admiralty for the particular Colony, or in any court of Admiralty to be appointed over all America, at his

<sup>1</sup> So far from the colonists of New England having been gainers by their conquests of French territory, Acadia, won by New England troops in 1656, was surrendered to France, after ten years, by the treaty of Breda. Sir William Phips took Port Royal and its dependencies for Massachusetts in 1690; and in 1697, at Ryswick, King William gave it back. Cape Breton, captured by a

surprising passage of arms in 1745, was given up again, for a European equivalent, in 1748.

<sup>2</sup> The reader will not fail to remark the similarity between this provision and that clause in the United States Fugitive Slave Bill of 1850 which gave to Commissioners a fee twice as large for surrendering an alleged runaway as for releasing him.

pleasure ;” so that a question as to property ever so lawfully and duly imported might be carried for trial to a court a thousand miles away, and the defendant have to go thither at an oppressive expense, and, before he could have a trial, be obliged to find sureties in a place where his character and property were unknown.

The empowering of commanders of the King’s ships to seize and libel was represented as “another great hardship on the Colonies. The knowledge of all the statutes relating to the customs, of the prohibitions on exports and imports, and of various intricate cases arising on them, requires a good lawyer. How can this science ever be expected from men educated in a totally different way, brought up upon the boisterous element, and knowing no law aboard their ships but their own will ?” And whereas hitherto officers seizing goods did so at their peril, and if they failed of obtaining a forfeiture on the trial, were liable for damages, the recent law removed this check on their caprice and violence, by authorizing them to “charge the revenue with the cost, with the consent of four of the commissioners of the customs.”

It was further to “be observed that the interest of Great Britain is greatly affected by these new regulations.” Apart from the considerations that such inequitable legislation tended to impair the affection entertained for her by her Colonies, and to make a precedent for future usurpations on the rights of British-born subjects, its immediate injurious effect on her own commerce was enough to condemn it. “The greatest part of the trade of Great Britain is with her Colonies. . . . The greatest part of the profits of the trade of the Colonies, at least on the Continent, centres in Great Britain. The colonists . . . are perpetually demanding the linen, woollen, and other manufactures of Great Britain . . . And while they can pay with any proper

remittances, their demands will be perpetually increasing. Great Britain, besides, is the mart which supplieth the Colonies with all the produce of the other countries in Europe which the colonists use." But how to provide for the remittances, without which this vast trade must be annihilated? "As the Colonies have no gold or silver mines in them, it is certain that all the remittances they make must be from their trade. . . . One grand source of these remittances is the fishery, which by the duty of threepence a gallon on molasses, must entirely be at an end. That branch can never bear the high duties imposed, nor subsist without the molasses which the trade to the foreign islands furnisheth." The fishery broken down, and with it the resource for remittances to England, either "(1) the Colonies will universally go into such manufactures as they are capable of doing within themselves, or (2) they will do without them, and, being reduced to mere necessaries, will be clothed like their predecessors, the Indians, with the skins of beasts, and sink into like barbarism;" either of which habits of theirs would result in a vast loss to the wealth of England, and to the means of living of merchants, manufacturers, artisans, and laborers, for nothing but a protection (which in fact would not be obtained) to the gains of the few planters in the English sugar islands, whose importunity had proved so mischievously powerful in Parliament. "Doth not this resemble the conduct of the good wife in the fable, who killed her hen that every day laid her a golden egg?" The writer concludes with the expression of "his most ardent wishes that the happy island of Great Britain may grow in wealth, in power, and glory to yet greater degrees; . . . that her Colonies, now happily extended, may grow in filial affection and dutiful submission to her, their mother; and that she in return may never forget her parental affections."

So business-like, so calm and friendly, was the tone in

which the man, not behind the foremost at this time in the confidence of the patriots of Massachusetts, made his last plea for the rights of his fellow-citizens. He lived but a few months longer, though long enough to see the cause of justice and liberty outraged and disgraced by some of those acts of unreasoning violence which opposition to it too often provokes.

Hitherto, and for a considerable time longer, while the abstract right of the Colonies to be exempt from taxation by a Parliament in which they were not, and practically could not be, represented,<sup>1</sup> had been steadily and emphatically affirmed, there had been hesitancy and vacillation as to the extent of the application of that doctrine. In respect to the legitimacy of pecuniary levies, a distinction continued to be made between taxes, strictly so called, and moneys paid at the custom-houses, the latter being deemed liable to be rightfully exacted by Parliament, as falling under the head of regulations of commerce for the whole empire; which regulations, as having no local restriction, needed to be made, and might justly be made, by one supreme authority. Regulations of this kind, though emanating from a competent jurisdiction, might from time to time be hurtful on the whole, or to some class or classes of subjects of the Crown; and then the arguments against them would be of the same description as arguments against any injudicious or mischievous law, addressed to any legislative body which was thought to have acted erroneously within its legitimate sphere of action.

And such was the main argument of the important treatise which has just been described, as well as mostly the strain of other arguments of the time. But the writers were not unaware that the case of the other form of

<sup>1</sup> Bernard would have deprived 1, *post*, and "Select Letters," &c., 40, them of this argument by giving 41, 55, 58.) them representation. (V. p. 402, n.

taxation might next be nakedly presented, and that, if it should be, their protest, less embarrassed as to the principles from which they would have to reason, would be more awakening to the public mind. If the Colonies suffered from an absurd system of duties on imported goods, that perhaps could not be shown to be anything worse than perverse severity on the part of Parliament. But if Parliament should undertake to lay an internal tax on the Colonies, then Parliament would pretend to an authority in no wise belonging to it; such an attempt would be sheer usurpation. External taxes, as they were called, might be argued against without offence, on grounds of expediency and equity, as long as the Englishman's right of petition should not be denied; to argue against them with deference and moderation was the course of good judgment, as long as there was a chance for a hearing; and if argument against them should prevail, it might be presumed that more hazardous schemes would be abandoned. But if the event should prove different, and the harsher measures should be taken, then the opposition which would become necessary could be conducted with the more advantage, if all unnecessary provocation were for the present abstained from. In respect to the Sugar Act, the circumstance which took it out of the category of a mere regulation of commerce, and made it more assailable on the generally recognized principles, was that it was avowedly a tax for the relief of the imperial Exchequer at the expense of the Colonies. Its title expressly set forth the design of raising a revenue "towards defraying the expenses of defending, protecting, and securing the British colonies and plantations in America."<sup>1</sup> And it was further fairly interpreted in the light of the fact that, the month before it was passed, the House of Commons, without a division, had adopted a Resolve

<sup>1</sup> British Statutes at Large, XXVI. 33. See Hansard's Parliamentary History, XV. 1427, § 13.

“that Parliament hath a right to tax the Colonies.” The principle was one of vital importance. Its possible applications might be extended to cover a vast field of parliamentary action.

When the agent of Massachusetts in London sent information of the passing of the stringent Sugar Act, he added that Mr. George Grenville, who had within the year become Prime Minister, combining the two offices of First Lord of the Treasury and Chancellor of the Exchequer,<sup>1</sup> was contemplating the extraction of a further revenue from the Colonies, to be collected by means of stamps to be used in the transactions of business. Having prepared the way for carrying the scheme into execution by bringing the House of Commons to a Resolve<sup>2</sup> that “it might be proper to charge certain stamp duties”

1764. upon them, Mr. Grenville sent for the colonial  
March. agents, and informed them that, if they could point out any other way of obtaining money from their constituents which would be more agreeable to them, he would give it consideration. But none of them had instructions to any such effect.

A system of stamp duties already existed in England. The revenue to be obtained by means of its extension to America would not, according to an approved calculation of one of Grenville's friends, exceed fifty thousand pounds a year.<sup>3</sup> It was said that Mr. Grenville frankly gave out that at present he expected only to establish the principle,

<sup>1</sup> He had, in the next year before (May 29, 1762), succeeded Lord Bute as one of the Secretaries of State, Lord Bute taking the place of the Duke of Newcastle, as first Lord of the Treasury.

<sup>2</sup> The House of Commons having resolved that it might be proper to “charge certain stamp duties” on the Colonies (Hansard, Parliamentary History, XV. 1427), Lord Halifax

directed Bernard (Aug. 11, 1764) to furnish him with a list of instruments suitable to be specified in the Act. Accordingly, November 12, Bernard sent him “a list of all the instruments proper for stamps, used in this Province in court or out.” (Bernard's MS. Letters, X. 185; III. 188.)

<sup>3</sup> Jared Ingersoll, Letters relating to the Stamp Act, 25; comp. Mahon, History, V. 85.

to be applied subsequently on a larger scale.<sup>1</sup> A declaration of that design was superfluous. It proclaimed itself. The scheme of the imposition by Parliament of a tax on the American colonists to be collected by stamps, was not a new one. Nearly forty years before this time, "Sir William Keith, the late Governor of Pennsylvania, presented an elaborate disquisition to the King . . . . proposing the extension of the stamp duties to the Colonies by Act of Parliament."<sup>2</sup> It had been one of the projects of the factious Dunbar, during his short career of turbulence and intrigue in New Hampshire. Governor Sharpe of Maryland and Governor Dinwiddie of Virginia had recommended a resort to it at the time of the abortive movement for a union of the Colonies. Its renewal at this time has been said to have been especially due to Charles Jenkinson, then only private secretary to Lord Bute, but who rose afterwards to be Earl of Liverpool.<sup>3</sup> The project, as now resolved upon, was pursued with inconsiderate obstinacy, though it encountered a spirited de-  
bate when it was brought into the House of Com-  
mons. Mr. Grenville expounded its provisions in a long, dispassionate, and plausible argument. He was answered by Alderman Beckford, Richard Jackson the agent of Connecticut (Franklin's friend), Colonel Barré, and others. Charles Townshend replying to Barré, asked: "And now will these Americans, children planted by our care, nourished up by our indulgence until they are grown to a degree of strength and opulence, and protected by our arms, — will they grudge to contribute their mite to relieve us from the heavy weight of that burden under which we lie?" This language called out Barré in that burst of eloquence, familiar ever since in the declamations of

1765.  
Feb.

<sup>1</sup> Walpole's George the Third, II. 71.

<sup>2</sup> Chalmers, Letter to Lord Mansfield (1 Vol. 4° MS.), 39; comp. above, Vol. IV. 139.

<sup>3</sup> Walpole's George the Third, III. 32. Jenkinson himself said in Parliament that Grenville did not originate the measure of the Stamp Act. (Parliamentary Register, VII. 214.)



American school-boys, beginning: "They 'planted by your care'! No! Your oppressions planted them in America." Francis Dana, afterwards Chief Justice of Massachusetts, and Jared Ingersoll, agent for Connecticut in London, heard the speech, and both sent home reports and commendations of it. The bill was pending in the House between three and four weeks, at the end of which time it was passed, the largest number of votes which had been given against it in any stage of its progress not having amounted to fifty. It was concurred in <sup>1765.</sup> by the House of Lords, where it appears to have <sup>March.</sup> met no resistance, and in due course received the royal assent. No apprehension of consequences counselled a pause.

The Stamp Act — as it has ever since been called by eminence — provided in sixty-three sections for the payment, by British subjects in America to the English Exchequer, of specified sums, greater and less, in consideration of obtaining validity for each of the common transactions of business. Deeds, bonds, notes of hand, indentures, insurance policies, leases, contracts of sale, were to have no legal value, and were not capable of being enforced by courts of justice, unless they were written on stamped paper bought of the officers of the Crown. Without stamped wills testamentary dispositions would be void. Without stamped receipts debts could not be acquitted. Vessels at sea, without clearances written on stamped paper, were liable to seizure and confiscation if they fell in with a King's ship. Only stamped newspapers might be exposed for sale. Without stamped certificates marriages could not be lawfully contracted. Unstamped writs and executions had no force or meaning.<sup>1</sup> In short, the American citizen must be daily paying

<sup>1</sup> "The burden of the Stamp Act boring people. The widow, the orphan, and others who have few on middling, more necessitous, and la- earth to help or even pity them,

money into the British Treasury at its stamp office, or, in respect to much of the protection which society undertakes to afford, he was an outlaw.

must pay heavily to this tax. An instance or two will give some idea of the weight of this imposition. A ream of printed bail bonds is now sold for about fifteen shillings sterling; with the stamps, the same quantity will, I am told, amount to near one hundred pounds sterling. A ream of printed policies of assurance is now about two pounds sterling; with the stamps it will be one hundred and ninety pounds sterling. Many other articles in common use here are in the same proportion. The fees in the probate offices, with the addition of the stamps, will, in most Provinces, be three times what has been hitherto

paid." ("Considerations on Behalf of the Colonists," &c., pp. 32, 33.) This treatise, which bespeaks itself to be the production of an excited and eccentric, if not an unhealthy mind was written by James Otis, in reply to "The Objections to the Taxation of our American Colonies . . . briefly considered," by Soame Jenyns, then a member of the Board of Trade. Otis's pamphlet was published in London, by Almon, to whom it was sent from Boston for the purpose. It is dated (p. 52) "Boston, Sept. 4, 1765," three weeks after the first riot in that place.

## CHAPTER IV.

WHEN the peace of Aix-la-Chapelle vainly promised tranquillity along the northern border of New England, attention was turned to that portion of the inviting country west of the river Connecticut which was still almost vacant of inhabitants, whether civilized or savage. Fort Dummer, built by Massachusetts a quarter of a century before, was still the only English post within that territory, and the subsequent extraordinary determination of the boundary between Massachusetts and New Hampshire had released it from the jurisdiction of the former Colony.

1749. The Governor of New Hampshire informed the  
Nov. Governor of New York that he was instructed to

make grants of such lands west of the Connecticut as lay within his jurisdiction, and, to the end of avoiding mutual interference, he desired to be acquainted with the extent of the claims of New York in the debatable region. Meanwhile, assuming that New York could assert no title to a boundary farther eastward than was made by a protraction of the line of longitude, twenty miles east of Hudson River, which separated that Province from Connecticut and Massachusetts, Governor Wentworth made

1750. a grant of the parcel of land, since called Ben-  
June. nington, which lies six miles north of the northern boundary of Massachusetts, and somewhat more than twenty miles east of the Hudson; and within four years more, as he informed Lord Halifax, he had "granted thirty-three townships" in that quarter. The Governor

of New York protested against this assignment, objecting that, by the patent of King Charles the Second to his brother, New York extended "from the west side of Connecticut River to the east side of Delaware Bay," and that, though later arrangements had pushed the boundary of Massachusetts and Connecticut as far west as to a line drawn north and south at a distance of twenty miles from the river Hudson, yet nothing had occurred to afford any foundation for such a claim on the part of New Hampshire, the original grant of which Province embraced no lands distant more than sixty miles from the sea.

The dispute, referred to the King for decision, remained unsettled when war again broke out. The campaign on and about Lake George and Lake Champlain brought the intervening country into notice, and caused numerous applications for it when peace again approached. Governor Wentworth had a survey made of lands extending sixty miles along the Connecticut, and caused towns six miles square to be laid out in three tiers on both sides of that river.<sup>1</sup> Of these, stimulated by an arrangement which reserved for his own property five hundred acres in each township, he at once made sixty grants on the west side of the river and eighteen on the east side. Two years later the number of the grants west of the river amounted to one hundred and thirty-eight, the western boundary, after passing the head waters of the Hudson, being continued by a line running northwardly twenty miles east of Lake Champlain.

The attraction of the newly granted lands, enhanced by the new peace along the border, drew into them numbers of settlers from Massachusetts and Connecticut. The

<sup>1</sup> In 1760 New Hampshire had already sixty-two taxable towns. (N. H. Prov. Papers, VI. 742.) About this time Governor Wentworth con-  
tracted the marriage which has been so gracefully commemorated by Longfellow. (Ibid., 856.)

Governor of New York issued a proclamation, claiming jurisdiction over the country north of Massachusetts and west of the river Connecticut. Governor Wentworth made a counter-proclamation, and ordered his officers to arrest persons obstructing the administration of New Hampshire within the controverted limits. Wentworth wrote to Lord Halifax that, after the reduction of Canada, and the prospect there was of a peace, he "had the pleasure of settling on the east side of Connecticut River near a hundred towns, and about the same number on the west side," and that down to this year he "met with no opposition from New York; but now a number of armed men, attended by the Patroon and High Sheriff of Albany, seized upon and carried off from Pownall a justice of the peace, a captain of militia, a deputy sheriff who was executing a legal process, . . . with one other principal inhabitant." The matter came before the Board of Trade, and through them before the Privy Council, who decided in favor of New York.<sup>1</sup> But there was an ambiguity in the language of the Council's decree, which was interpreted by one party as meaning that the disputed territory always had belonged of right to New York, and that accordingly the conveyances by the Governor of New Hampshire were void and of no effect, the other party construing the decree to mean merely that the lands were hereafter to be under the jurisdiction of New York, leaving the property undisturbed as belonging to the parties to whom the authorities of New Hampshire had conveyed it. The royal control over the territory ceased before the dispute was determined.<sup>2</sup>

<sup>1</sup> July 20, 1764, in consequence of "a spurious petition" from New Hampshire, there was a royal decree in favor of New York, after which New Hampshire granted no more patents.

<sup>2</sup> The "New Hampshire grants" (as they were called) west of the

Connecticut, with the addition of as much territory adjoining on the north as lay east of Lake Champlain, came to constitute, in 1777, the State of Vermont, and ultimately, in 1791, the fourteenth State of the American Union.

The question as to Writs of Assistance does not seem to have occasioned excitement in New Hampshire. In that Colony the writ was granted by the Superior Court as soon as a demand was made for it.<sup>1</sup> Applications were received from the Legislatures of Massachusetts and Rhode Island for concurrence in remonstrances against the Sugar Act and the expected Stamp Act, but they do not appear to have been followed by any action. The Governor was able to dispose of them.<sup>2</sup>

To this troubled time belong the preliminary arrangements for that seminary of learning which was to complete a provision for the higher education in all the four Colonies of New England. As in the other cases, the first movers in the plan were ministers of religion. The Congregational ministers of New Hampshire had addressed a petition to the Governor, praying for  
1753.  
a charter for "an Academy or College within the Province, without prejudice to any other such seminary in neighboring Provinces." The Governor took no interest in the scheme; but Eleazer Wheelock, who had been a prominent actor ever since his association with  
1762.  
Whitefield, took it up with characteristic enthusiasm, associating it with an earlier enterprise of his own. At Lebanon, in Connecticut, where he was minister, he had a school supported by charitable contributions, at which he taught a number of natives, and with them some English youth.<sup>3</sup> The advantage of transferring his institution to a place where it could be maintained at less expense, influenced him to listen favorably  
1769.  
to proposals addressed to him from New Hampshire; and ultimately a college named for the Earl of

<sup>1</sup> Quincy's Reports, 500.

<sup>2</sup> N. H. Provincial Papers, VII. 50.

<sup>3</sup> In 1763 Wheelock published a very entertaining account of his proceedings down to that time, under the title of "A Plain and Faithful

Narrative," &c. In 1767 appeared a further "Brief Narrative" of the progress of his "Indian Charity School." It was published in London, and contains (p. 62) a recommendation of the school by Lord Dartmouth as its "President."

1770.  
Sept. Dartmouth, one of its benefactors, was set up, with twenty-four pupils, at the town of Hanover, one of Wentworth's recent grants on the Connecticut. The lecture-rooms first used were in log-houses. The first class of graduates numbered four members.

With the increase of her wealth and of her communications with the neighboring Provinces, the peculiarity of Rhode Island had undergone sensible modification. The establishment, however, within her limits, of a seminary for the higher instruction was due to strangers. Morgan Edwards, a Welshman by birth, who had been three years established in Philadelphia as minister of a Baptist

1761. church, engaged the co-operation of some of his professional associates and others of their faith, for the founding of a college to give a better education to their ministry. The vicinity and support of a numerous community of Baptists being a reasonable consideration in determining the site, the institution, since so useful and eminent, now known as Brown University, was first

1770. seated at Warren, in Rhode Island, whence, after six years, it was removed to Providence. The first President was James Manning, who had been active in soliciting the requisite pecuniary contributions from private benefactors. The Colony, instituting at

1764. the origin a frugal policy, from which it has not since departed, gave nothing but exemption from taxes, and a charter. By the charter the government of the institution was vested in two Boards,—namely, that of the President and Fellows, twelve in number, of whom two thirds were required to be Baptists; and another consisting of thirty-six Trustees, of whom twenty-two were to be of the same denomination.<sup>1</sup> At the first

1769. Commencement seven young men were admitted to the degree of Bachelor of Arts.

<sup>1</sup> R. I. Rec., VI. 385.



Neither in Connecticut nor in Rhode Island do Writs of Assistance appear to have been applied for till seven or eight years after the question of their legality had been determined in Massachusetts,<sup>1</sup> nor in either Colony does it appear that they were ever issued. Rhode Island gave special offence by violations of the Revenue Laws. In explanation of the facts complained of, Governor Hopkins wrote to Pitt that his Colony had by its privateers taken many French prisoners, and had sent them by flags of truce to the West Indies, and that perhaps under this cover there had been some illicit trade. The General Assembly voted that the Governor be requested to issue a proclamation, "prohibiting the inhabitants of this Colony, and all others residing within the same, from trading or having any commerce with the subjects of the French King, during the continuance of the present war."<sup>2</sup> Bernard did not view the proceedings in the same light. "These practices," he wrote to Pownall, "will never be put an end to till Rhode Island is reduced to the subjection of the British Empire, of which at present it is no more a part than the Bahama Islands when they were inhabited by the buccaneers."

Intelligence from England of the proposed revision of the Sugar Act caused the General Assembly of Rhode Island to be convened. Instructions were sent by it to the agent in England to exert himself, in conjunction with the agents of the Northern Colonies, to obstruct the consummation of the scheme; the Governor was desired to contribute his endeavors in a letter to the Board of Trade; and an elaborate remonstrance was despatched to that body, setting forth the hardship and inexpediency of the contemplated legislation. "The Colony of Rhode Island," it was therein represented, "includes not a much larger extent of territory than about thirty miles square; and of this a great part is a barren soil, not

<sup>1</sup> Quincy's Reports, 502, 505.

<sup>2</sup> R. I. Rec., VI. 259, 264.

worth the expense of cultivation. The number of souls in it amount to forty-eight thousand, of which the two seaport towns of Newport and Providence contain near one third. The Colony hath no staple commodity for exportation, and does not raise provisions sufficient for its own consumption. . . . The quantity of British manufactures and other goods of every kind imported from Great Britain, and annually consumed in this Colony, amount at least to a hundred and twenty thousand pounds sterling. . . . The only articles produced in the Colony, suitable for a remittance to Europe, consist of some flax and oil, and some few ships built for sale, the whole amounting to about five thousand pounds sterling per annum." The annual difference between five thousand pounds and the hundred and twenty thousand due in England had to be made up by the gains of commerce. For this commerce — that is, for exportation elsewhere than to Europe — Rhode Island had some lumber, cheese, and horses, which, with fish of an inferior quality, were in demand in the West India Islands. In the year preceding that of this remonstrance, "there were one hundred and eighty-four sail of vessels bound on foreign voyages, — that is, to Europe, Africa, and the West Indies; and three hundred and fifty-two sail of vessels employed in the coasting trade, — that is, between Georgia and Newfoundland inclusive; which, with the fishing-vessels, were navigated by at least twenty-two hundred seamen. Of these foreign vessels, about one hundred and fifty are annually employed in the West India trade, which import into this Colony about fourteen thousand hogsheads of molasses, whereof a quantity not exceeding twenty-five hundred hogsheads come from all the English islands together," — even the principal of those islands, Jamaica, affording in some years no supply whatever. The molasses thus imported into Rhode Island paid for the English manufactured

goods imported into that Colony, being partly sold for that purpose in the neighboring Colonies, and partly distilled into rum, which was sent to the coast of Africa, where, superseding the use of French brandy, it was "sold for slaves, gold-dust, elephants' teeth, camwood, &c." Some of these articles were sent direct to Europe; while the slaves were disposed of in the English islands, in Carolina and Virginia, for bills of exchange on London. A duty upon foreign molasses might amount to a prohibition. While, on the one hand, the English islands of the West Indies were unable to supply anything like the quantity of molasses wanted in Rhode Island alone, on the other hand they furnished a very limited market for the exportable products of New England.

From these facts it was argued that restrictions on the trade in question, without benefiting the English planters of the West Indies, would distress the Colony, which was already in reduced circumstances, laboring under a debt of nearly seventy thousand pounds for the expenses of the late war alone. "Upwards of thirty distil-houses, erected at a vast expense, . . . for want of molasses must be shut up, to the ruin of many families, and of our trade in general, particularly of that to the coast of Africa. . . . Two thirds of our vessels will become useless, and perish upon our hands; our mechanics, and those who depend upon the merchant for employment, must seek for subsistence elsewhere; . . . a nursery of seamen, at this time consisting of twenty-two hundred in this Colony only, will be in a manner destroyed; and, as an end will be put to our commerce, the merchants cannot import any more British manufactures, nor will the people be able to pay for those they have already received."<sup>1</sup> From this argument, clear and forcible as it is, and skilfully composed for the immediate end in view, the reader does not gather that there was as yet in Rhode

<sup>1</sup> R. I. Rec., VI. 378-383.

Island a comprehension of the magnitude, or even of the nature, of the great question of right which had arisen.

There was, however, among the rulers and the people of that Colony a different way of looking at the subject from what this grave and forbearing paper expressed.

1764.  
Feb. Governor Bernard presently after wrote to the Secretary of the Board of Trade, that the Gov-

ernor of Rhode Island, under an order of the Assembly, had refused to administer the oath of office to a person appointed by the Surveyor-General to be Comptroller of the Revenue at Newport, and that a vessel seized at Providence for smuggling had been boarded, rescued, and taken to sea by "a parcel of people with blackened faces." On this occasion, if Bernard's report to Lord Halifax was well founded, "the Governor of Rhode Island said publicly, that the Parliament of Great Britain had no more right to make laws for them than they had for the Mohawks."

It is more likely that what the Governor, Stephen Hopkins, did say was, that Parliament had no more right to tax his constituents than his constituents had to tax the Mohawks. At this time he emerged from a cloud of local cabals which for years had obscured his merit, to

1765.  
July. take thenceforward a salutary lead of the public opinion and action of his Colony. In the month

next after the transmission by Massachusetts of her circular letter to the other Colonies, Rhode Island constituted a committee of her Governor and two other persons, to consult with other colonial committees respecting measures for procuring a repeal of the Sugar Act, for hindering the passage of the projected Stamp Act, "and, generally, for the prevention of all such taxes, duties, or impositions that may be proposed to be assessed upon the colonists, which may be inconsistent with their rights and privileges as British subjects."<sup>1</sup>

<sup>1</sup> While this Assembly was sitting a riot at Newport, which further at South Kingstown, there occurred manifested the temper of the people.

On the report of this committee the Assembly addressed a petition to the King, and further indicated their sense on the pending questions, by arranging to furnish their agent in London with copies of a pamphlet entitled "The Grievances of the American Colonies candidly examined," a production of Governor Hopkins.

The petition, which in its tone and character was strictly what was indicated by the name, having set forth briefly the same considerations as had been urged in the "Remonstrance" several months before, proceeded to object to the Stamp Act which was understood to be in contemplation, that it would be a violation of "just and long-enjoyed rights. We have hitherto possessed," wrote the Assembly, "as we thought according to right, equal freedom with your Majesty's subjects in Britain, whose essential privilege it is to be governed only by laws to which themselves have some way consented, and not to be compelled to part with their property, but as it is called for by the authority of such laws." And they expressed the object of their application in the following clear and concise terms: "We do therefore most humbly beseech your Majesty that our freedom and all our just rights may be continued to us inviolate; that our trade may be restored to its former condition, and no further limited, restrained, and burdened than becomes necessary for the general good of all your Majesty's subjects; that the courts of Vice-Admiralty may not be vested with more extensive powers in the Colonies than are given them by law in Great Britain; that the colonists may not be taxed but by the consent of their own representatives, as your Majesty's other free subjects are." And the petition closed with the assurance, "Whatever may be determined concerning them, the Governor and Company of Rhode

A party from a King's ship which was engaged in the revenue service in Newport Harbor arrested a deserter on shore. A mob rescued him, and treated roughly the officer in command of the party. (R. I. Rec., VI. 428, 446.)

Island will unalterably remain your Majesty's most loyal, most dutiful, and most obedient subjects."

After a glance at the condition of colonies at different ages of the world, to the end of showing that it had been the practice of nations to allow to colonists the same rights as those enjoyed by native subjects, the treatise of Governor Hopkins<sup>1</sup> proceeded to present the same three-fold subject of complaint as was set forth in the petition. "The British Ministry," he says, "whether induced by a jealousy of the Colonies, by false informations, or by some alteration in the system of political government, we have no information ; — whatever hath been the motive, this we are sure of, the Parliament, at their last session, passed an Act limiting, restricting, and burdening the trade of these Colonies much more than ever had been done before ; as also for greatly enlarging the power and jurisdiction of the courts of Admiralty in the Colonies ; and also came to a resolution that it might be necessary to establish stamp duties, and other internal taxes to be collected within them." He explicitly recognizes the current distinction between internal and external taxes, and, in respect to the latter class, admits the legitimate authority of Parliament to make regulations of commerce affecting alike all portions of the Empire, and the Colonies with the rest. Against two of the alleged ministerial encroachments, therefore, he argues as being only abusive and oppressive, and grievous exercises of constitutional power, — the Sugar Act, as threatening the Colonies with commercial ruin, — the new Admiralty regulations, as cruelly wrongful to parties pursued by the King's officers into the Admiralty courts. But when it proceeds to discuss the projected Stamp Act, the argument moves on a higher plane. "The resolution of the House of Commons . . . . asserting their right to establish stamp duties and

<sup>1</sup> Writing to Pownall, Bernard exceptionable." (MS. Letters, III. characterizes this treatise as "sensi- 130.) ble and methodical, though not un-

internal taxes, to be collected in the Colonies without their own consent, hath much more, and for much more reason, alarmed the British subjects in America, than anything that had ever been done before. . . . They who are taxed at pleasure by others cannot possibly have any property, can have nothing to be called their own; they who have no property can have no freedom, but are indeed reduced to the most abject slavery.”<sup>1</sup>

After the conquest of Canada, Governor Fitch, of Connecticut, found himself justified in reporting to the British Minister respecting trade with the French, “I have not been able to discover anything of that kind among us.” Requisitions continued to be made upon the Colony for troops, especially to build, repair, and make communications between the forts erected to secure the occupation of the conquered country. In the spring following the capitulation, Connecticut raised two regiments of eleven hundred and fifty men each. On the breaking out of war with Spain, an expedition was despatched against Havana, in which were twenty-three hundred provincial troops under the command of General Lyman of Connecticut, Israel Putnam being one of his lieutenant-colonels. Of a thousand soldiers from that Province, only a few score returned, the rest having fallen victims to the unhealthy climate. During the whole course of the war, Connecticut had rendered services the most generous, energetic, and efficient.

According to a report of the Governor to the Lords of Trade, the population of the Colony in the last year of

<sup>1</sup> A Committee appointed to prepare a statement of the condition of the currency of the Colony, made a report dated Oct. 30, 1764 (R. I. Rec., VI. 407), which states in detail the successive issues of bills made from and including 1750, — the provisions made for calling in and redeeming the same, — and the amount in circulation at the date of the report, &c. &c. &c.



the French war amounted to "a hundred and forty-one thousand whites, and four thousand five hundred and ninety blacks, or thereabouts." Of Indians there were "about nine hundred and thirty, considerable part whereof dwelt in English families." There were thirteen regiments of militia, mustering twenty thousand two hundred and sixty-four men. Six hundred and fifty-one seamen navigated a hundred and fourteen vessels, which had an aggregate measurement of three thousand five hundred and twenty-seven tons. Exports, probably amounting annually to a hundred and fifty thousand pounds sterling, consisted of meats, flour, live-stock, and lumber, to the West Indies, whence were brought back rum, sugar, molasses, and salt. Meat and grain were also sent to the neighboring governments, especially to Boston and New York, from which ports were mainly received British manufactures, though the people were beginning to import directly for themselves. The value of British manufactured goods imported in a year was probably a hundred thousand pounds sterling or more. Home-made clothing was mostly of the coarser sort for laborers and servants. The ordinary revenue derived from taxes on lands, polls, and personal property (the receipts from duties being inconsiderable), amounted to about four thousand pounds sterling, of which sum "about one-eighth part was appropriated to the support of schools for education of children and youth."<sup>1</sup>

<sup>1</sup> 1763, Jan. 27, Lord Egremont wrote to Governor Fitch remonstrating against a proposed settlement (on the plea of a purchase from reluctant Indians) by Connecticut men of lands on the Susquehanna and Delaware, "which threatens so much danger of an Indian war." This project led eventually to the massacre of Wyoming. (Trumbull, II. 468.) Some account of the origin and early operations of the Sus-

quehanna Company, which devised this scheme of colonization, may be found in Miss Larned's "History of Windham County, Conn.," I. 556-560. Connecticut claimed the northern portion of Pennsylvania as lying within her limits by her charter, which gave her a territory extending westward, within certain parallels of latitude, to the South Sea. The dispute about it began as early as the time of the Colonial Congress of 1754,

Under the management of President Clap, Yale College had been enjoying in these years a prosperity exceeding any in its earlier history. Alleging for the reasons of his retirement his advanced age, and consequent longing for the retirement of private life, he resigned his office when he had but lately finished his sixty-<sup>1766,</sup>  
third year. He lived only six months longer. In the July.  
twenty-seven years of his Presidency, more than seven hundred graduates had been sent out by the College. President Clap was a scholar of good acquisitions. As an administrator, he manifested extraordinary diligence and energy, and, notwithstanding the active opposition sometimes provoked by his positive judgments and measures, he commanded, throughout his career, a universal respect.<sup>1</sup>

Connecticut shared in the excitement produced by the passing of the Sugar Act and the menace of the Stamp Act. The General Assembly raised a committee, consisting of three members besides the Governor<sup>1764,</sup>  
and Lieutenant-Governor, "to collect and set in the most May.  
advantageous light all such arguments and objections as might justly and reasonably be advanced against creating and collecting a revenue in America, . . . and especially against effecting the same by stamp duties."<sup>2</sup> The committee, "the Governor being the principal compiler and draughtsman," executed their task by the composition of "a certain book or pamphlet, entitled 'Reasons why the British Colonies in America should not be charged with internal Taxes by authority of Parliament.'" Its contents are set forth in the following summary, with which it closes: "Having thus shown that the English are a free people; that their freedom consists in these general privileges, that no laws can be made or abrogated

when Connecticut obtained the ces- VIII. 23-29. (Professor Kingsley's  
sion of a tract in that region from History of Yale College.)  
the Indians.

<sup>2</sup> Ingersoll, Letters relating to

<sup>1</sup> American Quarterly Register, the Stamp Act, 2, note.

without their consent by Representatives, and for that purpose have right to elect their representatives; that the American colonists are as really the King's subjects, as loyal, and have as much right to the general and fundamental privileges of the British Constitution, and to protection in the enjoyment thereof, as the rest of their fellow-subjects in the mother country; that, in consequence hereof, the Colonies and plantations in America, according to the general principles of the national constitution, are vested with authority of legislation, and have right to be represented in their Assemblies, in whom that authority is lodged, and with whose consent they are to be governed by the Crown; that for the Crown to govern these Colonies and plantations by and with the consent of the people in such legislative assemblies, is properly and truly to govern them agreeable to the national constitution, or that it is as conformable to the fundamental principles of the British government that the subjects in the Colonies should be represented in Assemblies or Legislative bodies, as that the subjects in Great Britain should be represented in Parliament or the supreme Legislature of the nation, and that the government of the subjects, with the consent of their respective representatives, is founded on the same general and essential principles of liberty; that charging stamp-duties or internal taxes on the Colony, by authority of Parliament, will be inconsistent with those authorities and privileges which the Colonies and the people in them legally enjoy, and have with the approbation of the supreme power of the nation been in the use and possession of for a long course of years; as also the probability that such measures will in the event prove prejudicial to the national interest as well as hurtful to the Colonies, together with some matters and circumstances more directly and peculiarly in favor of the Colony of Connecticut and the especial public and benevolent services performed by it on many occasions, which may justly

merit some favorable considerations; and answered such objections as might probably be made against the tenor of the reasonings and representations herein offered and laid down: it is now concluded that on the account of these and such other weighty reasons as may occur, a British parliament whose design is to keep up that Constitution, support the honor and prerogative of the Crown, and maintain the privileges of the people, will have a tender regard for the rights and immunities of the King's subjects in the American Colonies, and charge no internal taxations upon them without their consent."

This treatise the General Court voted to transmit to their agent in England, "to be made use of to the purpose aforesaid." And they instructed the Governor to address to the Parliament a Memorial "against said bill for a stamp duty, or any other bill for an internal tax." Jared Ingersoll was now on his second voyage to England, to be associated, as it proved, with Jackson in the agency for the Province.<sup>1</sup>

Agreeably to a circular letter addressed to all the Colonies by Lord Halifax, Secretary of State for the Southern Department, Governor Fitch had furnished a schedule of particulars desired by the Ministry as "materials and guides for the framing of the said Act," availing himself, however, of the opportunity to repeat his remonstrance against the dangerous scheme. When Ingersoll reached London, Mr. Whately, Secretary of the Treasury, showed him the draught of the Stamp Act, which was already prepared, and Ingersoll prevailed to introduce into it some

<sup>1</sup> May 11, 1758, Jared Ingersoll was made Associate Agent with Partridge. (Conn. Col. Rec., XI. 127.) May 10, 1759, he was charged to settle the accounts of Partridge, deceased. (Ibid., 258.) March 13, 1760, Richard Jackson of London was chosen to be joint agent with him. (Ibid., 358.) In October of that year Thomas Life, London, was chosen to be agent in such things as he might be charged with. (Ibid., 439.) In July, 1761, Ingersoll left England for home. He went abroad now (in 1764) "on his own account merely." The Province appointed him its agent after he had sailed.

amendments, one of which served to put off the time for its going into effect.<sup>1</sup>

He wrote to the Governor: "The point of the authority of Parliament to impose such tax I found, on  
1765. Feb. my arrival here, was so fully and universally yielded that there was not the least hopes of making any impressions that way. Indeed, it has appeared since, that the House would not suffer to be brought in, nor would any one member undertake to offer to the House, any petition from the Colonies, that held forth the contrary of that doctrine." "There may be," he said, "some further debate upon the subject, but to no purpose, I am very sure, as to the stopping or preventing the Act taking place." With Dr. Franklin and his associate agent, Mr. Jackson, he waited on the Minister, "to remonstrate against the Stamp Bill, and to propose, in case any tax must be laid upon America, that the several Colonies might be permitted to tax themselves." But they could get no more encouraging reply from him, than that "he had pledged his word for offering the Stamp Bill to the House; that the House would hear all our objections, and would do as they thought best; he said, he wished we would preserve a coolness and moderation in America; that he had no need to tell us, that resentments indecently and unbecomingly expressed on one side the water would naturally produce resentments on the other side; and that we could not hope to get any good by a controversy with the mother country."<sup>2</sup>

<sup>1</sup> Ingersoll, Letters relating to the Stamp Act, 3, note.

<sup>2</sup> Ibid., 12, 17-19.

## CHAPTER V.

GREAT events had of late been succeeding each other rapidly. Only fifteen years separated the New England expedition against Cape Breton from the conquest of New France. Only five years had passed after the conquest of New France when Mr. George Grenville's Stamp Act completely altered the aspect of the affairs of New England.

The change in the policy of the British government, distinctly expressed by that Act, was equally wrongful and imprudent. The novel severity in the enforcement of the revised Acts of Trade, though so onerous as to provoke extreme resentment, did not present the strongest case of violation of right. Though it had not been disguised — on the contrary, it had been quite frankly avowed — that the object of the Sugar Act had been to extort a revenue from Americans for the relief of the mother country, still there was at least a semblance of reason in the distinction which in the Colonies had hitherto been recognized between internal taxes on the one hand, and, on the other, regulations of commerce which, as embracing the whole empire and designed to adjust to each other the interests of every part, needed to be made by the imperial government, and which a part of the empire should not complain of, simply because of any unequal pressure upon itself.<sup>1</sup> In the early stage of the

<sup>1</sup> This distinction had not ceased (Life and Works of John Adams, to be recognized as late as the last I. 161.) year before the appeal to arms.

controversy the complaint was not only (nor even on the whole so much) that in imposing burdens upon trade an abstract right had been infringed, but that the particular system of duties was adverse to the prosperity of the Colonies and of the parent country alike, and that the methods for enforcing it were offensive and arbitrary; — that especially it was contrary to natural justice and to the rights of Englishmen, which were the same in every dependency of the Crown as in the heart of the kingdom, that a custom-house officer should have power to compel a claimant to try his case without a jury; and not only this, but to try it before a court of the officer's selection in some distant place, where the claimant would be at a disadvantage in conducting his defence and in obtaining the securities which the law made it imperative for him to furnish.

The Stamp Act, being simply the imposition of an internal tax, presented the fundamental question of right in a form cleared from all subtleties and qualifications. According to immemorial English maxims, a tax was a voluntary grant of the Commons to the sovereign. It required, therefore, to be made by the owners of the property granted, or, what was the same thing, by their authorized representatives. The colonists said: The people of England and Scotland, in Parliament assembled, have a right to give away their own money to the King, but they have no right to give away ours. Representation and taxation go together. Let us send members to Parliament, and it will be just that we should be bound by the votes of that Legislature, as other parts of the realm will be bound by votes in which we shall share. The scheme of a representation in Parliament was accordingly canvassed on both sides of the water. But it found favor on neither, by reason of considerations of the inconveniences incident to the plan, from distance and other causes. And so the question remained whether



Englishmen in America could rightfully or constitutionally be taxed — that is, have their money given away — by their fellow-subjects within the four seas.

If natural right, and English maxims corresponding to it, denied such a power to Parliament, was any un-English liability imposed by the terms of those charters from the King, under which the colonists in New England managed their affairs? On the contrary, the royal charters, on no other money consideration except that of “the fifth part of all gold and silver ore and precious stones . . . . obtained in any of the lands and provinces,” had constituted legislative bodies with power “to impose and levy proportionable and reasonable assessments, rates, and taxes upon estates and persons . . . . for the defence and support of government . . . . and the protection and preservation of the inhabitants.”

When the Ministry maintained that England had put herself to heavy charge for the defence of the Colonies in the late war, of which it was just that they should bear a part, the colonists rightly replied that the interests and objects of that war had been English as much as theirs; that they had borne in it not only their full proportion of expense, but much more than their full proportion, as had been proved by acts of the English government itself, which had already sent them large sums for reimbursement; and that, at all events, whatever it was just they should pay they were willing to pay, but it must be by their own action. If the King wanted money from them, let him so inform them, as he had hitherto done in every period of their history, by requisition through his Secretary of State; for neither they nor their ancestors had ever been inattentive to such requisitions, but, on the contrary, had always met them with loyal liberality, and there was no reason to believe that either they or their descendants would ever show less alacrity. If it was their money that the Ministry had occasion for, it was of them

that the Ministry should ask it, and not of the Knights and Burgesses of Lothian or London, who had not inherited nor earned it, and had no right to dispose of it.

If this attempt at usurpation would at all times have been unrighteous, never was an attempt at usurpation more unprovoked. In the trial of a century, the independence of British America has now proved most auspicious to its greatness; but nothing of the sort was anticipated, or, at any rate, was generally looked for, when events were rapidly tending towards that consummation. The change of feeling in New England towards the parent country which now took place, was as sudden as it was great, like the change of measures in the parent country respecting New England. Notwithstanding that the Ministers of the Crown had been carefully watched, and that the supercilious conduct of British officers had sometimes given offence, it is probable that the people of New England had never been so cordially and affectionately loyal as at the close of the last French War. They shared in the enthusiasm for the fair-spoken and well-conducted young King, the first of his line who had been "born a Briton." The overthrow of the hostile power at the north, accomplished by their arms united with those of their brethren from across the water, had relieved them from a burden of fears and griefs which had tormented them for nearly a hundred years. The treatment by English officers of their troops and their governments had on the whole been considerate and friendly, and the names of Pitt and Wolfe were names equally honored and loved on both sides of the dividing ocean. Since the Revolution which placed William of Orange upon the British throne, they had been undisturbed by serious apprehension of encroachments on their religious liberty. Substantially they had long had their way in respect to their internal administrations. Connecticut and Rhode Island were almost republican by charter. In Massachusetts, the early

pretension to be exempt from taxation by Great Britain<sup>1</sup> had indeed never been allowed, but it had not been contradicted in any adverse action, and this long abstinence from encroachment had given all the confidence that could be desired; while the royal Governors had been discouraged by steady refusals from repeating the annoyance of asking for stated salaries for themselves and the judges. Theoretically the Trade and Navigation Laws were oppressive, but the oppression had been almost unfelt, for their strict enforcement was so manifestly adverse to the prosperity of both parties in the commerce between the Colonies and the mother country, that they had well-nigh sunk into a dead letter, and the daily evasion or rather disregard of them was recognized and respectable. Against any possible menace of foreign hostility, New England reposed in safety under the assured protection of Great Britain, a protection never so trustworthy as now. While command of the commerce of an industrious and rapidly growing people was enriching England, the benefit was reflected on the thriving Colonies. Governors came from England to Massachusetts with no great power to harm her, — so vigorously did the vigilant legislation of past times restrain them, — and with motives to treat her well; for, always generous when she was not forced into a defensive attitude, she held in her discretion their means of living. The people were content with their condition, and coveted no change. They were proud of the mother country, and loved her well. A new era of prosperity seemed to be opening before them. Such was the time chosen by Mr. George Grenville for his desperate experiment.

It should occasion no surprise that at this extreme crisis we find hesitation, bearing more or less an appearance of timidity, on the part of the colonists. While the professions of loyalty, which through the recent

<sup>1</sup> See above, Vol. IV. 139.

generations had been repeated with constantly increasing strength, were altogether sincere, and the sentiment of loyalty was tender and heartfelt, the sense of injury which was awakened by the cruel and contemptuous legislation of the parent country had to pass through the stage of sorrow before it reached that of anger. The idea, too, of obtaining justice from England by force or menace when good-will and reason failed, was one hard to approach. Under the brilliant administration of the last years of the last King, the greatness of England had risen to an imposing height. Her fleets and armies had broken the power of France in both hemispheres. She had extended her dominion in Africa and the West Indies, and founded a vast empire in the East. What were the two hundred and eighty thousand people of Massachusetts, what were the six hundred thousand people of New England, that they should think of a conflict with her if she should choose to push them to the wall? They had no allies. France they hated with a traditional animosity, not only as being Englishmen themselves, but as having recorded against her a long score of peculiar wrongs; and France had already as much on her hands as she was equal to. Other English colonists besides themselves were wronged by the recent English legislation, but the people of those communities were almost strangers to them, and were scarcely their equals in power and resources, even if, which was far from being the case, they had been ready for some joint action with one another. The cultivated, orderly, scrupulous Puritan of Massachusetts and Connecticut was not yet prepared to place confidence in the people of the less fortunate Colonies. Guided by his still imperfect knowledge of his neighbors, he was not yet ready to regard without a degree of contemptuous distrust the rough Dutch fur-trader of New York, whom more than once he had had to keep from Indian alliances

by suggestions of the strong hand ; the mixture of moon-stricken Quakers and South-German boors in Pennsylvania ; the lazy, swaggering Cavalier (so called) who raised Virginia tobacco ; the English "ill-livers," unequally yoked with the coarse though devout Huguenot artisans of Carolina ; or the jail-birds said to be transported to Georgia by Oglethorpe's humane arrangement ; while the obloquy was amply retorted by the judgment, current in all those Colonies, of the New Englander's sour and narrow bigotry. Before long, as he came to know more of his neighbors, he found cause to rate them far differently ; but his prejudices, and equally the counter-prejudices, softened in other parts of the country only by the sense of a community of suffering from English injustice, — these things stood formidably in the way of heartiness and energy in united action.

In short, it would be a mere error to suppose that the people of New England went with alacrity into a contest with Great Britain. On the contrary, they approached it with extreme reluctance and with dreary misgivings. The loyalty of the colonists was equal to every strain but the last. So much did they desire to avoid a breach that from time to time they made concessions which it is hard to harmonize with their more deliberate claims ; and it is by no means improbable that, after all their remonstrances and complaints, they would have ended by reconciling themselves to the new restraints upon commerce, as they had done to the Writs of Assistance, — though both left a soreness and a sense of wrong which abated the old friendship, — had the temerity of the English Ministers tempted them by no harsher experiment. But the pretension expressed in the Stamp Act was more than could be endured. Four generations of Englishmen had been born in New England, and the fourth had now arrived at manhood, without ever paying

a farthing by way of direct tax to the parent country. Unless a new system was now to be established, a stand must be made without delay. The pretension now first set up being effectually repelled, other matters of disagreement might be disposed of by mutual concession, or by the returning good-sense or good-will of the mother country. But this once yielded, all was over for the colonists, and only unrestricted and endless submission remained.

The second Revolution in New England brought into play the same fears, the same ambitions, the same weaknesses, the same passions, as that which preceded and that which followed it, each at nearly a century's distance. In the third, leading men, while declaring themselves dissatisfied with the pro-slavery domination, trembled before the inconveniences of opposing it, or hoped for advantages to themselves from acquiescence in it. In the first, Dudley, professing friendship for his country, became the abject tool of the Stuart despotism. In the second, Hutchinson, with like professions and probably more than equal self-deception, could not sacrifice his hopes of advancement to the stern obligations of patriotic service. The stage which the dispute between England and her American dependencies had reached while Bernard was in Boston, was that in which a vacillating and equivocal action must be expected to appear. Not only did the magnitude of the threatened struggle discourage selfish men, and reduce them to self-humiliation and imbecility, but, for no little time, there was really for honest minds an uncertainty in determining the point at which submission and conciliation should be deemed hopeless as means of relief. It is in such circumstances that plausible pretenders to patriotism find a hearing, and a chance to disgrace and disable the community then most exposed to their arts.

Thus, on the appearance of a new form of usurpation, when Thacher, Otis, and others propounded the principles of colonial liberty which were violated, they met to a wide extent a ready response in the public mind. But as the danger came nearer, and with it the practical question as to the means of escape or resistance, a cordial unanimity was unavoidably interrupted. Before there could be union of judgment which might dictate proceedings of an uncompromising character, there was needful a pause for reflection ; and, as long as it lasted, there must be an abstinence from such strong measures as would not admit of being retraced. The defer-  
ential tone of the petition of the General Court 1764.  
Nov. of Massachusetts to Parliament, in the autumn in which the decision of the latter body on the question of an unequivocal policy of internal taxation was advancing, does not much perplex one who has observed the too common course of such bodies when brought into positions of dangerous responsibility. The popular branch of the Legislature, much the larger in numbers, adopted a spirited Address to the King, and sent it up to the Council for the concurrence of that body. Hutchinson was a Counsellor and the most experienced and most able man on that Board. Professing, like his associates, not to like the legislation complained of, he set himself to persuade them that the way to avoid it was not by making a parade of rights invaded, but by being discreet and respectful in a marked degree. And by Parliamentary devices, in which he was skilful, and by an insinuating pertinacity, he prevailed to have the proposed Address to the King superseded by a petition to Parliament, in which the chief topic urged was that of the ill effects of the legislation objected to on the prosperity of English trade. This style of argument had the unfortunate result which is apt to follow from it. It misled the British Ministers as to the temper of the



Colony, and emboldened them in proceeding with their violent scheme.<sup>1</sup>

Intelligence of the actual passing of the Stamp Act  
 1765. reached Boston just before the annual spring  
 May. meeting of the General Court, and when the election of Representatives had taken place. The Act was to take effect on the first day of the eighth month from its enactment. The friends of prerogative  
 Nov. 1. were confident that the Act would execute itself, and that opposition to it, making the opponent the victim of his own perverseness, would be impotent, and would speedily content itself and wear itself out with complaint. And, on the other hand, there appeared as yet no concert in opposition, nor was any method proposed by which opposition might be made availing.

The Governor, in his speech at the opening of the spring session,<sup>2</sup> spoke of three improvements<sup>3</sup> which he

<sup>1</sup> As the time approached for the consummation of the despotic measures which were apprehended, one of the methods devised for resenting and evading them was that of an agreement among merchants and others to abstain from the importation and purchase of English manufactured goods ; and, as part of this plan, the use of mourning apparel was generally discontinued. To help the home manufacture of woollen cloth, another agreement was made to abstain from the eating of lamb's flesh. At the time of this attempt at a general non-importation agreement, it was believed that the value of English manufactured goods imported into the Colonies amounted annually to not less than three millions of pounds sterling. (Mahon, History, V. 84.)

The Governor informed the Lords of Trade at this time, that attempts had been made in the Court, almost with success, to withhold his salary. The Lords read extracts from his

letter September 24, and ordered it to be "laid before his Majesty." (Journal of the Board of Trade.)

<sup>2</sup> At the last session of the last General Court, which began January 10, and was prorogued March 9, 1765, nothing was done relating to the obnoxious proceedings of the British Ministry. It began with a courteous message from the Governor, which was answered in the same tone. Richard Jackson, Jr., was chosen to be agent for the Province in England, in the place of Mauduit. His election, which was contested, was understood by the Governor to be due to his own influence. (Letter, of January 25, from Bernard to Jackson, in Bernard's MS. Letters, III. 277.)

<sup>3</sup> The "three improvements" recommended by the Governor were the production of "pot-ash and hemp, and the carrying lumber to the British markets." (House Journal for May 30, 1765.)

said he had long had in contemplation, and which, in his opinion, "this country was capable of making profitable to itself and convenient to Great Britain;" but he referred no more expressly to the subject to which all minds were turned than by saying that "in an empire extended and diversified as that of Great Britain, there must be a supreme legislature to which all other powers must be subordinate. It is our happiness," he vexatiously added, "that our supreme legislature is the sanctuary of liberty and justice, and that the prince who presides over it, realizes the idea of a patriot King. Surely, then, we should submit our opinions to the determinations of so august a body, and acquiesce, in a perfect confidence that the rights of the members of the British Empire will ever be safe in the hands of the conservators of the liberty of the whole."<sup>1</sup> The House, deviating from its practice on such occasions, made him no reply, beyond a brief one relating to the slight matters which he had intruded on their notice.<sup>2</sup> A reply in such terms as the existing imperfect degree of concert admitted of, might have embarrassed future deliberation and action.

The House proceeded with an all-important measure which the prevailing indignation authorized and stimulated, while at the same time it overstepped no boundary of prudence. In proceedings to obtain relief from the hard legislation of England, how far might Massachu-

<sup>1</sup> June 5, 1765, he wrote to Jackson: "The Assembly is reckoned a better one than the former, the alterations made by the new elections being generally favorable to government." Still he was very uneasy as to what might be their action on the Stamp Act. (Bernard, MS. Letters, IV. 6.) In a letter of this month to the Lords of Trade he commended the good dispositions of the Council, though he said he was pained by the fact that Oliver had almost failed of his

election into that body. (Ibid. 132.)

<sup>2</sup> June 5, the House constituted the Speaker, Mr. Otis, Mr. Worthington, Mr. Dexter, and Mr. Cushing, "a Committee to take the last paragraph of his Excellency's speech under consideration." June 14, they refused to commit a petition which Hutchinson had presented for compensation as Chief Justice, and a message from the Governor in its favor. (Journal of the House.)

setts hope for aid from other communities wronged by it like herself? And if their resentments were like her own, might endeavors for redress be rendered more hopeful by a comparison of judgments and a combination of influence and strength? On the motion of James

1765.

June.

Otis, the Court directed letters to be sent to the other Colonial Assemblies, inviting them to appoint delegates to meet in the fourth following month "to consult together on the present circumstances of the Colonies and the difficulties to which they are and must be reduced by the operation of the Acts of Parliament for laying duties and taxes on the Colonies; and to consider of a general and united, dutiful, loyal, and humble representation of their condition to his Majesty and the Parliament, and to implore relief."<sup>1</sup> "It was impossible," Bernard wrote to the Lords of Trade, "to oppose this measure to any good purpose, and therefore the friends of government took the lead in it, and have kept it in their hands. Two of the three [the delegates appointed by Massachusetts] are fast friends to government, and prudent and discreet men, such as I am assured will never consent to any undutiful or improper applications to the government of Great Britain. It is the general opinion that nothing will be done in consequence of this intended Congress, but I hope I may promise myself that this Province will act no indecent part therein." The Court which commissioned these delegates had scarcely separated when news came from Virginia that the great southern

May 28.

Colony had passed a series of spirited Resolves affirming the immunity of that Colony from taxation by Parliament, — intelligence of the utmost importance in encouraging everywhere the disposition to resist.<sup>2</sup>

<sup>1</sup> This measure was not recorded at the time in the Journal of the House. Three weeks later, the House ordered a record of it to be entered on the printed Journal, under its proper date. (House Journal for June 25.)

<sup>2</sup> "For above a year, that is, ever since the printing the letter to the agent, the House has generally been

So imperfectly understood, even in high quarters, and even on the most prominent scene of the grievance, was the state of sentiment in New England at this time, that Andrew Oliver, Secretary of Massachusetts, did not hesitate to accept the office of Distributor of Stamps for that Province, and it was said to be by the advice of Dr. Franklin, then in England, that the same charge was undertaken for Connecticut by Jared Ingersoll, the Colony's agent. The popular rage, which had been rising during the last weeks, broke out when the appointment of distributors of the stamps became known, and when Ingersoll arrived from England in Boston, where he had conferences with Oliver.<sup>1</sup> At dawn, a few days after, an effigy representing Oliver, and decorated with devices typical of Lord Bute, was discovered hanging on a tree, afterwards called the "Liberty Tree," at the corner of Orange Street and Essex Street. Chief Justice Hutchinson ordered the sheriff to go with a sufficient force and take it away. The sheriff proceeded to the spot, but was assured that it would be removed at evening, and was dissuaded from doing his office. The Governor convened his Council, who advised him not to interfere, lest he should convert a foolish pleasantry into a serious quarrel. It must be presumed that they guessed nothing of what was intended. The mob were in crazy earnest. At nightfall they took down the image, and, laying it on a bier, carried it, followed by a long procession, through the great lower room of the Town House, beneath the chamber in which the Council were in session. Marching

temperate and discreet." But "a few days after the General Court was prorogued, there came hither in a Rhode Island newspaper an account of some resolutions of the House of Burgesses of Virginia," and they "roused up the Boston politicians." The "Boston Gazette" is "the most factious paper in America." (Ber-

nard's Letter to Pownall, of July 20, in Bernard's MS. Letters, IV. 8.)

<sup>1</sup> Ingersoll arrived in Boston July 28, and spent most of the following Sunday with Bernard, "chiefly alone." (Letter of Bernard to Jackson of August 7, Bernard's MS. Letters, IV. 9.)

down King (State) Street, they proceeded to a building lately erected by Mr. Oliver, — for the custody of stamps, as was said, — which they presently razed to the ground. Thence they went to his dwelling, where they broke windows, furniture, and fences, and did other damage. Hutchinson, Oliver's brother-in-law, with some other friends, was at the house, and had been authorized by the Governor to call out the militia, if he saw cause. He preferred to use persuasion; but this was done without effect, and it was only by flight through a crowd, which treated him roughly, that he reached his own home. The Governor, who was passing some weeks of the sum-

1765. mer at the Castle, wrote thence, the next day, to

Aug. Lord Halifax: "It is said that there were fifty gentlemen actors in this scene, disguised with trousers and jackets on. . . . The common talk of the town is . . . that all the power of Great Britain shall not oblige them to submit to the Stamp Act; that they will die upon the place first."<sup>1</sup>

Oliver, thoroughly frightened, authorized a friend, in writing, to say that he abdicated the office of Distributor of Stamps, and would send his resignation to England by the first vessel.<sup>2</sup> On the day following the destruction of

<sup>1</sup> Letter in Bernard's MS. Letters, IV. 137.

October 8, 17, the Board of Trade considered letters from Bernard of August 15, 22, and 31, and September 7, and minutes of proceedings of the Council of Massachusetts, for August 14, 15, 21, 27, 28, and 29, and ordered them to be laid before his Majesty. (Journal of the Board of Trade.)

"I am so utterly unable to oppose or correct an insurrection of this kind, that it would be the highest folly to attempt it. For such a purpose I cannot command a file of men that can be depended on, and there is not, that I know of, a com-

pany of regulars within two hundred miles of me." (Bernard to Lord Halifax, of August 15 and 16, in Sparks's Collection, IV. 137.) August 22 (*Ibid.*, 144), he informed the Minister of the arrangements which he had made while expecting the stamps, and described the high excitement which existed around him.

<sup>2</sup> Hutch., Hist., III. 121. — For three or four months after his resignation, he was unmolested, but then, upon a report that he was seeking to be restored and protected in his office, he was so pressed by anonymous letters, advertisements posted about the town, &c., that on Dec. 17, 1765, he took and subscribed before Richard

Mr. Oliver's building, the Governor, with the advice of his Council, offered a reward for the detection of the rioters. But this produced no discovery. Some of the Council would have had a military watch for the coming night, but they were overruled, and the security of the town was left to the ordinary town magistrates. Some of the Counsellors expressed their opinion that the Stamp Act could never be executed. When evening came, the crowd which had assembled about a bonfire went on to the Lieutenant-Governor's, and shouted for him to come out, and purge himself from any share in the concoction of the odious law. He had barred his doors and windows, and kept quiet, till, on an assurance from one of the townsmen that he had been seen in the afternoon going to his country-house at Milton, they broke a few windows and departed. The Governor wrote again to the Secretary of the Board of Trade: "They publicly declare that the Castle shall not protect the stamps. . . . Some say it will be stormed by thousands of people. . . . I consider myself as a prisoner at large, being wholly in the power of the people. . . . It is given out among the people that, let the force from England be ever so great, it will be sufficiently opposed, but perhaps they 'll think better of it when the time comes. . . . It is my belief that, if there had been one regiment in the barracks of the Castle, this insurrection had never happened. But I don't know that that force would subdue it now."

The popular fury against Hutchinson was not spent. According to his own opinion, the immediate occasions for the next outburst of it were a sermon by Dr. Mayhew on the text, "I would that they were even cut off which trouble you," and the odium excited by his having taken a deposition of the Judge of the Admiralty concerning

Dana, Esquire, a Justice of the Peace, tributor of Stamps within the Prov-  
 at a meeting held under "Liberty ince of Massachusetts. (Ibid., 129.  
 Tree," an oath that he never had See also Proceedings of Mass. Hist.  
 acted and never would act as Dis- Soc., 1872, p. 246.)

certain transactions of illicit trade. The sermon was  
<sup>1765.</sup> preached on Sunday, August 25th, and in the  
<sup>Aug. 26.</sup> evening of the following day, a mob collected, and made a bonfire in King Street. Thence they moved to the houses of the Registrar of the Admiralty and the Comptroller of the Customs, which they broke into, and where they made free use of the contents of the cellars. Next they proceeded in a body to Hutchinson's house, which was in a different part of the town, near North Square. He had sent away his family, and was resolved himself to remain; but one of his daughters returned, and prevailed on him to leave the house, just before the mob arrived. They burst open the doors and windows, and, pouring in, proceeded to the work of utter devastation. By morning, everything in the house — furniture, papers, pictures, plate — was demolished or carried away; nothing remained but the brick walls, and upon them the work of destruction had already begun when the dawn of day arrested it. Many valuable papers, public and private, collected by Hutchinson for the purposes of his History, were irrecoverably lost. Some were rescued the next day from the mire into which they had been trodden. It was said that magistrates and officers of the militia were among the crowd that looked on, but were disinclined or afraid to interfere.<sup>1</sup>

The next morning, at a town-meeting in Faneuil Hall, a unanimous vote was passed, condemning these outrageous proceedings, and calling on the selectmen and justices to take all precautions against a recurrence of the

<sup>1</sup> August 31, Bernard wrote to Lord Halifax (Collection of MS. Letters, IV. 149) an account of the sack of Hutchinson's house. In a letter to Secretary Conway (October 1), Hutchinson undertook to set forth the causes of his unpopularity. They were, in his opinion, that in 1748 he moved for a bill to abolish

paper money; that in 1761 he granted Writs of Assistance; and that in 1764 he opposed a Remonstrance of the House of Representatives against the proposed Stamp Act as "indecent and impolitic," and instructed the Grand Juries as to the criminality of opposing it by force.



like. The Governor came up to town from the Castle, and summoned a meeting of the Council, by whose advice he offered a large reward for the detection of the rioters. The sheriff seized a person known to have been active among them, but was induced to release him by the remonstrances of some considerable persons among the bystanders, who professed to dread any provocation to further disorder. A few other suspected culprits were committed to jail, but were rescued by a party, who entered the house of the keeper by night, and obtained his keys by threats of violence. The Superior Court was to begin a session on the day after the sack of Hutchinson's house. When his robed associates took their seats on the bench, he joined them in the plain dress in which he had awaited the assault the evening before. Instead of charging the grand jury, as usual, he made a speech to the crowd collected in the court-room on the criminality and danger of such transactions as had just occurred; and the session in Boston was adjourned for six weeks. In other parts of the Province to which the Court proceeded, the grand juries everywhere took occasion to present addresses condemning the violences committed in the town. The Governor wrote to the Lords of Trade that the popular voice was in favor of the first of them, but that the assault on Hutchinson's house was generally disapproved.

As, after Oliver's resignation, there was no authorized custodian of the stamped paper which was now on its way, the Governor resolved to receive it himself, and keep it at the Castle; at the same time giving public notice that he had no purpose, as he had no right, to open any of the parcels, but that he felt bound to keep them in safety, lest any accident which might befall them should provoke the royal displeasure against the town or Province, and make them answerable for an indemnity. What was to be done after the day when, by the terms

of the Act, stamps would become necessary to the validity of business transactions and legal documents, was a question earnestly canvassed. Some people were of the opinion that business would have to cease, and the courts to be closed. Others advised to take the risk of continuing all transactions as heretofore, in disregard of the hated law. What was clear was, that, after what had taken place in Boston, no one could at present be so foolhardy as to attempt to distribute the stamped paper, even if in any quarter there should be a disposition to use it.

The intelligence brought from other Provinces showed the existence in them, too, of the same state of things. The stamps intended for New Hampshire came to Boston; but George Meserve, who had been appointed to distribute them, and who a little before had come from England to Portsmouth, had scarcely landed when he was frightened into a resignation, and Governor Bernard took the unclaimed property into his care. "The Stamp Act," wrote Governor Wentworth to Secretary Conway, "has been universally opposed," and the Stamp Distributors "have been compelled by the mob" to engage not to execute their office. The militiamen "principally are the mob, so that experience has shown that it is in vain to beat to arms. . . . It is impossible for me to point out, or even to conceive, what is necessary to be done to cure the *insania* which runs through the continent." And to the same effect was his language to the Board of Trade. "The Stamp Act has met with universal opposition. . . . Nothing can be done here to enforce obedience to this Act. . . . The militia are the very people on the other side of the question."<sup>1</sup> Augustus Johnston,

<sup>1</sup> Feb. 20, 1766, in answer to Conway's advice to apply to General Gage for troops, Governor Wentworth wrote to the Secretary that there were none nearer than New York; that they could not be spared from that place; and that, if it were not so, two hundred regulars could not be marched to New Hampshire through Connecticut and Massachusetts. (British Colonial Papers.) According to a report of General

Attorney-General of Rhode Island, who had been designated as Stamp Distributor for that Colony, made haste to publish his determination not "to execute his office against the will of our sovereign lord, the people." His promptness did not save him from indignity and danger. His effigy, and those of two other persons charged with unpatriotic proclivities, after being dragged about on a hurdle at Newport, were hanged and burned. The houses of all three were plundered, and they fled for safety, as did most or all of the revenue officers, to an English man-of-war<sup>1</sup> which was lying in the harbor.

In Connecticut, Governor Fitch was for submitting to the law, but was terrified into acquiescence in the popular sentiment. Jonathan Trumbull, then of the Council, afterwards Governor, would hear of no concession. Ingersoll persisted for a while in the purpose of executing his office of Distributor. From his home at New Haven he set out for Hartford, professedly to ask the advice of the Colonial Assembly which was in session there. On his way he was met at Wethersfield by a crowd of several hundreds of persons on horseback, who peremptorily, but without other violence, required him to resign his trust. A parley which followed, and which at last was carried on with heat, ended in his signing a form of resignation which had been prepared. He was conducted by the cavalcade to Hartford, where he read his resignation in the hearing of the Assembly.<sup>2</sup>

Gage, of Sept. 24, 1765, which I find among Mr. Sparks's papers in the Library of Harvard College, there were then somewhat more than ten thousand King's troops in America; namely, one hundred and thirty-five companies of infantry, and ten of artillery. Forty-two companies were in Canada, twenty-seven in Florida, eighteen in the western country, fourteen in Nova Scotia, three in New York, and part of a company in

Charleston, S. C. (Reverse of p. 69 of Sparks's MS. on the Stamp Act.)

<sup>1</sup> A little squib entitled "Liberty and Property Vindicated, and the St—pm—n burned; a Discourse occasionally made on burning the effige of the St—pm—n [Johnston] in Newport," took the public taste so well that it was republished in Boston. It extols Pitt as the Moses of the American Israel.

<sup>2</sup> Ingersoll, Letters relating to

The acts which have been described above were some of the rude symptoms of a fierce popular displeasure. It was not by movements of this nature that the English government was to be made to recede from its position. The tendency of some of them, rather, was to alarm friends of order, to the degree of detaching them from the popular cause. But the cause was too substantial to be ruined by folly on the part of misguided friends. It was taken up by steadier, more skilful, and more vigorous hands.

The General Court of Massachusetts, convened in an  
 1765. extra session five weeks before the Stamp Act  
 Sept. was to go into effect, was addressed by the Governor with an earnestness corresponding to the solemnity of the situation. He bespoke their condemnation of the late disorders in Boston, and of the current protestations of a purpose to resist the authority of Parliament, whose authority, he urged, could not be disputed, though, without doubt, it was liable to be exercised imprudently. He reminded them of the danger of a factious opposition, and especially of the probability that it would obstruct, rather than advance, attempts for the repeal of the obnoxious law. And he advised them to win the King's approval

the Stamp Act, 61-68. In Barber's Conn. Hist. Coll., 166, the following letter is printed:—

TO THE GOOD PEOPLE OF CONNECTICUT, — When I undertook the office of Distributor of Stamps for this Colony, I meant a service to you, and really thought you would have viewed it in that light when you come to understand the nature of the Stamp Act and that of the office, but since it gives you some uneasiness, you may be assured if I find (after the Act takes place, which is the first of November) that you shall not incline to purchase or make use of any stamp paper, I shall not force it upon you, nor think it worth my while to trouble you or myself with any exercise

of my office; but if, by that time, I should find you generally in much need of the stamp paper, and very anxious to obtain it, I shall hope you will be willing to receive it of me (if I shall happen to have any), at least until another person more agreeable to you can be appointed in my room.

I cannot but wish you would think more how to get rid of the Stamp Act than of the officers who are to supply you with the Paper, and that you had learnt more of the nature of my office, before you had undertaken to be so very angry at it.

I am yours, &c.,

J. INGERSOLL.

NEW HAVEN, 24th August, 1765.

by not waiting for his requisition before they should make good by a liberal grant the losses occasioned by the recent popular outbreaks. After three days he adjourned the Court, which had made him no reply as to either of these points.<sup>1</sup> Looking forward to this meeting,<sup>2</sup> he had written to the Secretary of the Board of Trade: "Every one tells me I shall not be able to engage them to assist me in carrying the Stamp Act into execution. However, I intend to try, and shall cry aloud, and spare not. If I do not succeed, there is an end of all government on the first of November. . . . The people at present are actually mad, — no man in Bedlam more so."<sup>3</sup> At this

<sup>1</sup> The day after the meeting of the Court (Wednesday, September 25), he informed them of the arrival of the stamped papers the Saturday before, and requested their advice as to the disposition of them, the abdication of Oliver having left them without legal custody. The Court replied by excusing themselves from any concern in the matter, the papers having been sent without any privity of theirs. (Journal of the Representatives for September 26.) The reason which the Governor gave for adjourning the Court was that, the judicial courts being then in session, a number of its members were kept away. But to the Board of Trade he wrote (September 28), that his motive to the measure was to prevent them from "adopting the follies of the people, and confirming their obstinacy. . . . There will be time for the people to grow cool and considerate." (Bernard's MS. Letters, IV. 164.)

<sup>2</sup> He had had serious misgivings about calling the Court together. August 18, he wrote to Thomas Pownall, begging that he might have express orders for it to meet at Salem, if at all. (Bernard's MS. Letters, IV. 11.) He could not, he said, "entirely depend upon the part the Assembly would act;" and at Boston they would

be liable to be "menaced or reduced," while he could not convoke them elsewhere "without incurring a resentment which perhaps will be executed against me at my return to Boston, tho' a year hence." (Bernard to Pownall, August 23, in MS. Letters, IV. 15.) He yielded to the Council's advice that he should meet the Court at Boston. (Letter of September 7, *ibid.*, 158.)

<sup>3</sup> October 12, he wrote further to the Board: "I have no better account of this Government than I have given in my late letters. The real authority of the Government is at an end. Some of the principal ring-leaders in the late riots walk the streets with impunity. No officer dares attack them; no Attorney-General prosecute them; no witness appear against them; and no judge sit upon them." (Bernard's Letters, IV. 169.) Again, October 17: "I have before complained of the Council in a body not supporting me as they ought to do, without an intention of arraigning individuals." (*Ibid.*, 166.) Again, October 19, to John Pownall, Secretary of the Board of Trade: "I am the only person in the Province that has ventured to speak out in favor of the execution of the Stamp Act." (*Ibid.*)

session Samuel Adams first held a seat in the General Court, having been elected as a Representative of the town of Boston, in the place of Oxenbridge Thacher, just deceased.

At the time proposed in the circular letter of the General Court of Massachusetts, delegates from nine  
1765.  
Oct. Anglo-American Colonies came together in New York. Georgia, North Carolina, and Virginia were not represented, their Assemblies having had no meeting since the invitation from Massachusetts was transmitted. But the Speaker of the House of Representatives of Georgia, after consulting most of the members individually, sent a message of approval and encouragement. A committee from New York came without the regular credentials for the same reason, but had no difficulty in being admitted to the deliberations. The Assembly of New Jersey had been persuaded by the Governor, Franklin's natural son, who was devoted to the Court, to send a refusal to the summons from Massachusetts; but, encouraged or coerced by a popular outcry, the Speaker called the members of the House together, and they elected delegates. New Hampshire, influenced by Governor Wentworth, held herself aloof from the measure.

The Congress was thus composed of twenty-six members, of which number New York sent four, Rhode Island and Delaware two each, and each of six other Colonies three delegates. The Congress organized itself by adopting the rule that each Colony, large or small, should have one vote, and by choosing Timothy Ruggles of Massachusetts to be its President. The session lasted eighteen days, and resulted in the preparation and publication of four papers, to which all the delegates who considered themselves as having formal authority affixed their signatures, except Ruggles of Massachusetts and Ogden of New Jersey, who excused themselves on the ground that the first use made of the papers should be to submit them .

to the several Colonial Assemblies for their judgment. The delegates from Connecticut<sup>1</sup> and South Carolina considered themselves to be present under a similarly restricted commission; and the delegates from New York properly said that it became them to forbear, as not strictly representing any constituency. The associates of Ruggles in the Massachusetts delegation were James Otis and Oliver Partridge. It indicates the desire in Massachusetts to devise some means of amicable settlement, or to practise such deference towards the disaffected and the lukewarm as might ultimately engage their co-operation, that Ruggles and Partridge were sent on this errand; for even as early as this time neither of them had any earnest sympathy with the popular sentiment, and in the progress of the patriotic movement both early fell away from it. After his return to Massachusetts, Ruggles was called before the House, and agreeably <sup>1768.</sup> <sup>Feb.</sup> to its vote, received a reprimand from the Speaker for his conduct at the Congress.

The manifestoes (so to call them) which were the fruit of the discussions of this Congress, and which to some extent determined the principles and tenor of later action, were a "Declaration of the Rights and Grievances of the Colonists in America;" an Address to the King; a Memorial to the House of Lords; and a Petition to the House of Commons. The tone of all of them was loyal.

<sup>1</sup> Connecticut acted on the proposal of Massachusetts, September 19, at a session of the Legislature specially convened for the purpose. (The day was that of Ingersoll's encounter, above related, at Wethersfield.) Her three delegates were directed to "take care to form no such junction with the other commissioners as will subject them to the major vote of the commissioners present." There had "been of late, in several parts of this Colony, divers tumultuous and unlawful assemblies

of persons to the disturbance of the peace, and terror of his Majesty's liege subjects," and the Governor was desired to issue his proclamation against them.

The Colonial Assembly in October approved of the Congress's petitions to the King, to the Lords, and to the Commons, and desired the Commissioners to sign them; and directed the agent in London firmly to "insist upon the exclusive right of the Colonies to tax themselves . . . as what we never can secede from."



The Declaration, in the form of fourteen Resolves, affirmed that it was "inseparably essential to the freedom of a people and the undoubted right of Englishmen, that no taxes be imposed upon them but with their own consent given personally, or by their representatives;" that "the inherent and invaluable right of every British subject in these Colonies" to trial by jury was invaded by the recent Acts of Parliament, "extending the jurisdiction of the courts of Admiralty beyond its ancient limits;" that the custom duties lately imposed were "extremely burdensome and grievous, and, from the scarcity of specie, the payment of them absolutely impracticable," while it would make the colonists "unable to purchase the manufactures of Great Britain;" and that "the late Act of Parliament, entitled 'An Act for granting and applying certain Stamp Duties in the British Colonies and Plantations in America,'" had "a manifest tendency to subvert the rights and liberties of the colonists." In the most respectful strain, and with abundant professions of loyal devotion, the Address to the King presented the same topics, and besought his protection for "those two essential principles, the right of your faithful subjects freely to grant to your Majesty such aids as are required for the support of your government over them and other public exigencies, and trial by their peers. By the one they are secured from unreasonable impositions, and by the other from arbitrary decisions of the executive power." The Memorial to the Lords, admitting for the King's colonial subjects "a due subordination to that august body, the British Parliament," asserted a title "to all the inherent rights and liberties of the natives of Great Britain;" represented the Stamp Act and the late extension of Admiralty jurisdiction as encroachments on those rights and liberties; and entreated the Lords to "pursue measures . . . for redressing their present, and preventing future grievances, thereby promoting the united in-

terest of Great Britain and America." The Petition to the Commons, while it also protested against the late Acts as unconstitutional and usurping, enlarged chiefly on the argument that "the execution of them would be attended with consequences very injurious to the commercial interest of Great Britain and her Colonies, and must terminate in the eventual ruin of the latter." Both Houses of Parliament were solicited to hear counsel in support of the applications thus made to them.

Perhaps in this Congress the prudence of New England was distrusted, for her delegates were not put forward, except in the selection of the prerogative-loving Ruggles to preside. In the Committee on the Address to the King, Johnson of Connecticut, and in the Committee on the Petition to the House of Commons, James Otis, held respectively the second place. No Colony of New England was represented in the Committee on the Memorial to the House of Lords. Nothing could be more dispassionate or inoffensive than the language of these papers. But they affirmed with great explicitness and solemnity, as the result of conference and deliberation, the doctrine that Englishmen in Parliament had no right nor competency to tax Englishmen in America. That prolific doctrine flourished, and thenceforward its fruits ripened fast.

No notice was taken of the Address to the King, though it was laid before him by Secretary Conway. The question of receiving the Petition to the House of Commons was debated in that body, William and Edmund Burke favoring its reception, but without success. The uses served by the First General Congress of the Anglo-American Colonies were these: The uniting principle of the immunity of all those Colonies alike from British taxation, was recognized and promulgated. Leading men among them formed an acquaintance with each other, the basis of a mutual respect

1766.  
Jan.

and confidence extending to their several constituencies. The possibility of joint counsels had been ascertained, and a machinery for them had been tried with success. An encouraging preparation had been made for such joint action as the menacing future might prove to require.

## CHAPTER VI.

By the Congress at New York, it had been ascertained that, in the judgment more or less formally pronounced of nine Anglo-American Colonies, with which there was the best reason to believe that the rest concurred, taxation of them by the British Parliament was an intolerable usurpation of authority. Two days before the session of that body closed, the General Court of Massachusetts again came together, agreeably to the terms of its recent adjournment. 1765.  
Oct.

The first measure of the Representatives was to adopt an answer, prepared in their recess by a committee, to the speech with which the Governor had opened the last session. To his appeal to them to discountenance the movements of opposition to the Stamp Act, they reply: "If any individuals of the people have declared an unwillingness to subject themselves to the payment of the stamp duties, and choose rather to lay aside all business than make use of the stamped papers, as we are not accountable for such declarations, so neither can we see anything criminal in them. This House has no authority to control their choice in this matter. The Act does not oblige them to make use of the papers; it only exacts the payment of certain duties for such papers as they may incline to use."

The Governor in his late speech had said that the Stamp Act was "an Act of the Parliament of Great

Britain, and as such ought to be obeyed by the subjects of Great Britain," and had argued that to dispute the authority of Parliament in the case would only have the effect of exciting the displeasure of that body, and of taking from the "friends and advocates of the colonists the use of those arguments which are most likely to procure the desired relief." "It by no means appertains to us," say the Representatives, "to presume to adjust the boundaries of the power of Parliament. But boundaries there undoubtedly are. We hope we may without offence put your Excellency in mind of that most grievous sentence of excommunication, solemnly denounced by the church, in the name of the sacred Trinity, in the presence of King Henry the Third and the estates of the realm, against all those who should make statutes, or observe them being made, contrary to the liberties of the Magna Charta. We are ready to think that those zealous advocates for the constitution usually compared their acts of Parliament with Magna Charta; and if it ever happened that such acts were made as infringed upon the rights of that charter, they were always repealed. We have the same confidence in the rectitude of the present Parliament; and therefore cannot but be surprised at an intimation in your speech that they will require a submission to an Act as a preliminary to their granting relief from the unconstitutional burdens of it; which we apprehend includes a suggestion in it far from your Excellency's design, and supposes such a wanton exercise of mere arbitrary power, as ought never to be surmised of the patrons of liberty and justice.

"The Charter of the Province," so they proceed, "invests the General Assembly with the power of making laws for its internal government and taxation; and this charter has never yet been forfeited. The Parliament has a right to make all laws within the limits of their own constitution; they claim no more. Your Excellency will

acknowledge that there are certain original inherent rights belonging to the people, which the Parliament itself cannot divest them of, consistent with their own constitution. Among these is the right of representation in the same body which exercises the power of taxation. There is a necessity that the subjects of America should exercise this power within themselves; otherwise they can have no share in that most essential right, for they are not represented in Parliament, and indeed we think it impracticable. Your Excellency's assertion leads us to think you are of a different mind with regard to this very material point, and that you suppose we are represented; but the sense of the nation itself seems always to have been otherwise.

“We beg that your Excellency would consider the people of this Province as having the strongest affection for his Majesty, under whose happy government they have felt all the blessings of liberty. They have a warm sense of honor, freedom, and independence of the subjects of a patriot King. They have a just value for those inestimable rights which are derived to all men from nature, and are happily interwoven in the British constitution. They esteem it sacrilege for them ever to give them up; and rather than lose them, they would willingly part with everything else. We deeply regret it, that the Parliament has seen fit to pass such an act as the Stamp Act. We flatter ourselves that the hardships of it will shortly appear to them in such a point of light as shall induce them in their wisdom to repeal it. In the meantime we must beg your Excellency to excuse us from doing anything to assist in the execution of it.

“We are sure,” they continue, “your Excellency will not expressly charge us with encouraging the late disturbances; and yet, to our unspeakable surprise and astonishment, we cannot but see that by fair implication it may be argued, from the manner of expression, that an

odium was intended to be thrown on the Province. We inherit from our ancestors the highest relish for civil liberty ; but we hope never to see the time when it shall be expedient to countenance any methods for its preservation but such as are legal and regular. When our sacred rights are infringed, we feel the grievance ; but we understand the nature of our happy constitution too well, and entertain too high an opinion of the virtue and justice of the supreme legislature, to encourage any means of redressing it, but what are justifiable by the constitution."

To the Governor's proposal of "a compensation to be made to the sufferers by the late disturbances," the Representatives reply : "We highly disapprove of the acts of violence which have been committed ; yet till we are convinced that to comply with what your Excellency recommends will not tend to encourage such outrages in time to come, and till some good reason can be assigned why the losses those gentlemen have sustained should be made good, rather than any damage which other persons, on any other different occasions, might happen to suffer, we are persuaded we shall not see our way clear to order such a compensation to be made. We are greatly at a loss to know who has any right to require this of us, if we should differ from your Excellency in point of its being an act of justice, which concerns the credit of the government. We cannot conceive why it should be called an act of justice, rather than generosity, unless your Excellency supposes a crime committed by a few individuals chargeable upon a whole community."

The House followed up this paper by adopting by a unanimous vote a series of Resolves, of which the following were the last three : —

"*Resolved*, as a just conclusion from some of the foregoing Resolves, That all Acts, made by any power whatever, other than the General Assembly of this Province,



imposing taxes on the inhabitants, are infringements of our inherent and unalienable rights, as men and British subjects; and render void the most valuable declarations of our charter.

“*Resolved*, That the extension of the powers of the court of Admiralty within this Province is a most violent infraction of the right of trials by juries,—a right which this House, upon the principles of their British ancestors, hold most dear and sacred; it being the only security of the lives, liberties, and properties of his Majesty’s subjects here.

“*Resolved*, That this House owe the strictest allegiance to his most sacred Majesty King George the Third; that they have the greatest veneration for the Parliament; and that they will, after the example of all their predecessors, from the settlement of this country, exert themselves to their utmost in supporting his Majesty’s authority in the Province, in promoting the true happiness of his subjects, and in enlarging the extent of his dominion.”

The two branches raised a joint “committee to consider and report some proper methods to prevent difficulties that may arise in the proceedings of courts of justice through the Province, and any other matters, after the first of November,” the day fixed for the Stamp Act to go into effect.<sup>1</sup> The consideration of the Report of the Committee was “referred till the arrival of the Committee from New York.” The House appointed Dennis de Berdt, of London, to be its special agent there. The Representatives called the Governor and his Council to account for an unauthorized expenditure of a hundred and sixteen pounds for the en-

1765.

Oct.

Nov.

<sup>1</sup> “The faction has got possession . . . . If the two Houses agree to a fast, I shall make one with them; of the Assembly, and are driving on at a furious rate. . . . The chaplain of the House [Andrew Eliot?], for I never decline preaching and praying, whatever is the occasion.” a very discreet man, interested himself against the appointing a fast. (Bernard to Pownall, October 26, in Bernard’s MS. Letters.)

listment of an additional company for the protection of the stamped papers deposited at Castle William.<sup>1</sup> The Council defended themselves by presenting in respectful language the familiar argument of the necessity that in a recess of the Court some authority should exist to be exercised on urgent occasions, at the same time protesting that their action "did not proceed from any affection to the stamps, to which they have as great an aversion as the honorable House," but "in what they did they thought they were doing what their duty required of them, the using means to prevent an injury happening to the Province, or to prevent the people in the warmth of their temper from hurting themselves." The Governor was in a different mood. With a speech of angry reproof for the course taken by the Court respecting the Stamp Act, he suddenly prorogued it for ten weeks.<sup>2</sup>

Meanwhile the day prescribed by the Act of Parliament for the beginning of the use of stamped papers had come and gone, and they had not appeared. As none were on sale, it was unavoidable for business either to come to a stop, or to go on without them. As the day approached,

<sup>1</sup> The Representatives "made declarations without doors that they have no superior on earth but the King, and him only according to the terms of the charter." The enmity against Hutchinson "was occasioned by his granting Writs of Assistance to the custom-house officers upon the accession of his present Majesty. He took the lead . . . and now he has paid for it. . . . An infamous set of newspapers have been published here for four months past. . . . The other principal trading towns, Salem, Marblehead, and Newburyport, continue, as they always have been, well disposed to government." (Bernard to Board of Trade, November 30.)

<sup>2</sup> "I ordered some companies of militia to be mustered, with the

unanimous advice of the Council, to prevent the exhibition of pageants intended for the first of November, being the commencement of the Stamp Act. . . . But the militia refused to obey my orders. . . . This is the last effort of my authority, which does not amount to the command of ten men for the defence of my person. All real power is in the hands of the people. . . . I hope I shall be excused when I reveal my earnest wishes that some means may be found to make it consistent with the dignity of Parliament to put the Stamp Act out of the question, at least for the present." (Bernard to Secretary Conway, Nov. 25, 1765.)

the General Court postponed the sessions of judicial courts about to sit.<sup>1</sup> A committee reported an instruction to all the courts to proceed in their business dispensing with the use of stamps. But the prorogation took place before that proceeding could be matured.<sup>2</sup>

1765.  
Nov.

In Boston, the chief scene of the popular operations, the excitement did not abate. There existed a custom of long standing for celebrating the anniversary of the transaction called the *Gunpowder Plot* by a singular public demonstration. Two bands, called the *North End* and the *South End* from the quarters of the town from which they were respectively recruited, moved towards each other in processions, each conducting a grotesque image of the Pope. After a fight, in which each sought to capture the image of the other, the two images were burned by the victorious party. In the existing circumstances the popular leaders thought it worth while to compose this senseless and useless feud, and in the sequel of some negotiation the parties were reconciled (for joint action, should occasion arise), and the custom was abolished.<sup>3</sup>

<sup>1</sup> "I am retired hither to avoid the insults of the parades the Bostoners had determined to make on this day. . . . The Colonel of the Regiment and the Commanding Officer of the Guard appointed for the guard of the night (Oct. 31st) came and said they could not execute their orders. The Colonel said he could not get a drummer to beat a drum. One who had attempted it had his drum broke. The others were bought off." (Bernard to Pownall, from Castle William, November 1.) Among the demonstrations which marked the day in Boston, was an insult to a Mr. Halze, of New Hampshire, who, going to London, was charged with having suggested the Stamp Act to Mr. Grenville. His effigy and that of Mr. Grenville were suspended from "Liberty Tree" all

day, and after nightfall were carted to the town-house, and then to a gallows, where they were hanged and torn in pieces.

<sup>2</sup> Hutch., Hist., III. 136, 137; Bradford, Speeches, &c., 66. (Commonly known as the "Massachusetts State Papers.")

<sup>3</sup> It did not wholly die out, however. A semblance of it remained till within the memory of persons now living. — "Two days or more before the last Fifth of November, two gentlemen, the richest merchants in this town, entertained the principal men of these parties, and reconciled them to one another, for other purposes (I fear) than burning a Pope." (Bernard to Pownall, November 26.) The Governor did not like the looks of their quasi-military organization.

The merchants of the town made an agreement (as yet, however, not rigidly enforced) to send no orders for goods from England while the Stamp Act continued in force. The interruption of business at the custom-house and in the courts grew more annoying every day, and a town meeting was summoned to consider the possibility of devising some measure of relief. As a preliminary, it would seem, to this action, Secretary Oliver, who three months before had published his resignation of the office of Distributor, was peremptorily summoned to appear, at noon of the day before the meeting, at "Liberty Tree," where he made oath before a magistrate, "that he had never taken any measures . . . . and that he never would, directly or indirectly, by himself or any under him, make use of his deputation, or take any measures, for enforcing the Stamp Act in America."<sup>1</sup>

Thus further fortified, the town proceeded to adopt a  
1765. memorial to be presented to the Governor. The  
Dec. memorial urged that the course of justice was arrested as much as if the courts were closed, and that, if there were no other reason against their insisting on the use of stamped papers, it was a sufficient and conclusive reason that such papers were not to be procured. The town prayed, therefore, that the courts might be directed to proceed in their business without the use of stamped papers, and that on this application they might be heard by counsel. Accordingly Gridley, Otis, and John Adams for the town, had a hearing before the Governor in Council. Adams argued at length that "the Stamp Act is utterly void, and of no binding force upon us, for it is against our rights as men, and our privileges as Englishmen; and that it has become impossible to execute this Act; therefore, if it were binding, we are excused by every law, human or divine, from a compliance with it." Otis, who "opened with tears," reasoned

<sup>1</sup> V. p. 320, n. 2, *supra*.

“with great learning and zeal on the judge’s oaths,” &c. And Gridley followed “on the great inconveniences that would ensue the interruption of justice.”

The Council “resolved that the subject matter of this memorial is not proper for the determination of this Board,” and remitted it to the decision of the judicial courts.<sup>1</sup> Upon this, several of the inferior courts, including Courts of Probate, decided to dispense with the use of stamped papers, though generally they continued pending actions to a later term. The Chief Justice, who was also Judge of Probate for Suffolk, adhered to the opposite view. But he consented to relinquish the latter office temporarily to a person of less stubborn submissiveness to the Ministry’s will, and the decision as to his action in the Superior Court might be reserved for the present, as that Court was now in the middle of a long vacation. Custom-house officers consented to give unstamped clearances to vessels whose owners were willing to take the risk of their seizure at sea. For the present, the Stamp Act was almost nullified.<sup>2</sup>

When the General Court came together after the prorogation, the House began its session by sending to the Governor a message in reply to the speech with which he had last addressed them. In it they said: “The custom-houses are now open, and the people are permitted to do their own business. The courts of justice must be open, — open immediately, — and the law, the great rule of right in every county in the Province, executed. The stopping the course of justice is a grievance

<sup>1</sup> Quincy, Reports of Cases, &c., 198–210; comp. Life and Works of John Adams, II. 158–160.

<sup>2</sup> “Nothing is more familiarly asserted in common conversation than the ability of this people to oblige Great Britain to grant them their own terms. . . . Great pains have

been taken to persuade the people that they may resist Great Britain with effect. Whereas nothing can be more idle. New York and Boston would both be defenceless to a royal fleet.” (Bernard to Conway, Bernard’s Letters, IV. 189, Jan. 19, 1766.)

which this House must inquire into. Justice must be fully administered through the Province." The House resolved, with only five dissentient voices, that "the shutting up the courts of justice in general in this Province, particularly the Superior Court, has a manifest tendency to dissolve the bands of civil society, is unjustifiable on the principles of law and reason, dangerous to his Majesty's crown and dignity, a very great grievance on the subject that requires immediate redress; and that therefore the judges and justices, and all other public officers in this Province, ought to proceed in the discharge of their several functions as usual."<sup>1</sup> But the Council, after its recent action, had scruples about going so far out of its province, and declined to concur in this Resolve.<sup>2</sup> And a speedy repeal of the Act being now anticipated in consequence of the opposition to it in England, and the removal of Mr. Grenville from power, the Superior Court, by a continuance of suits before it,<sup>3</sup> kept the question as to its final action still in suspense. Nothing more seemed possible at present, and both parties anxiously awaited further events. The Governor informed the Court that he had "received directions from the Lords

<sup>1</sup> Bradford, *Speeches, &c.*, 65, 66. This Resolve had originated with the joint committee raised in the preceding session to propose "methods to prevent difficulties which may arise in the proceedings of courts of justice." (*Ibid.*)

<sup>2</sup> "The Council, after a short debate, ordered it [the Representatives' Resolve] to lie on the table. The House sent up a message to desire they would pass on it. The Council resumed the consideration of it; and it having been said that it did not appear that the Judges would not proceed in business at the usual time, it was ordered that the Judges be desired to meet together, and after consideration to signify to the Council

whether they intended to proceed in business at the usual time. The Judges accordingly met, and signified to the Council by letter that it was impossible for them to determine absolutely what they should do at so distant a time (five weeks); but they were of opinion that, if the circumstances of the Province were the same at the time of opening the Court as they were now, and the lawyers should urge their proceeding, they should find themselves obliged to proceed. The Council voted this to be satisfactory, and passed upon the Resolve by non-concurring it." (Bernard to the Lords of Trade, March 10, 1766.)

<sup>3</sup> *Life and Works of John Adams*, II. 189, 193, 194.

of the Treasury to appoint a distributor of the stamped papers," but that he was "convinced that it would be to no purpose to attempt to make such an appointment under the present circumstances." It was at this session that, in obedience to a vote of the House, Mr. Ruggles was formally reprimanded by the Speaker for his conduct in the late Congress at New York.<sup>1</sup> Permission was given him to print his justification in the Journal, but it was afterwards retracted.<sup>2</sup>

Immediately on the occurrence of the first violent demonstration in Boston against the Stamp Act, the Governor sent his accounts of it to England, where the delusion which possessed the Ministry, and to no small extent the people, caused them to be received with surprise.<sup>3</sup> The Lords of Trade had already directed extracts to be made, "to be laid before his Majesty, of those parts of Governor Bernard's letter which related to the attempt made to discontinue his salary, and to the proceedings and resolutions of the House of Representatives in respect to a Congress of Committees from the several Assemblies in America." As to the action respecting a provision for the Governor, the Privy Council, understanding "that an opposition had been made in the General Court of Massachusetts Bay to the usual grant to the Governor, upon this principle, that, as the Parliament had taxed the American Colonies, they ought also to provide for the expense of their government, which though withdrawn at that time was declared to be intended to be enforced the next year," considered a proposal "that such a  
1765.  
fixed and permanent salary should be allowed  
Oct.  
to the Governor of said Province as shall be sufficient for his support without the precarious grant of the General Court;" and they adopted a Report of a Committee, "that this is a matter of the utmost importance to the Kingdom

<sup>1</sup> V. p. 329, *supra*.

<sup>2</sup> Grenville Papers, III. 100, 108.

<sup>3</sup> Journal for Jan. 28, Feb. 6, 13, 19.



and the Legislature of Great Britain, and of too high a nature for the determination of your Majesty in your Privy Council, and is proper only for the consideration of Parliament, and to that end that it may be advisable for your Majesty to give directions that the same be laid before the Parliament."

During these deliberations, the more serious news of  
 1765. the riots at Boston in the second preceding month  
 Oct. came to England. The Privy Council now advised an order to one of the Secretaries of State to instruct the Colonial Governors to "use all legal means to preserve peace and good order, . . . and in case, by the exigency of affairs in any of the Provinces, it should be necessary to procure the aid of the military, . . . that the Governor of the Province where that might happen should apply to the Commanders of the land and sea forces in America, or either of them," who should have the necessary orders for their concurrence and assistance. Later letters from Governor Bernard, "enclosing certain seditious papers printed and published in Massachusetts Bay," and relating the proceedings of the General Court  
 Dec. at its first session in the autumn, were applied for by the Duke of Grafton, now a Secretary of State, and communicated to him by the Board of Trade, "along with all orders, &c., issued by their Lordships since the passing" of the Stamp Act.

A change of the Ministry had now taken place, and the Parliament about to meet was no longer under influences altogether the same as had controlled the movement of affairs under the lead of Mr. Grenville. Just at the time of the passing of the Stamp Act, the King had a monitory, though not severe attack of that disease which at three subsequent periods incapacitated him for the royal functions.<sup>1</sup> On his recovery, it was thought prudent

<sup>1</sup> "I learnt a piece of history to-day [June 30, 1804] which I did not know before: the King was ill in the *same way* in the year 1765, very early

to take measures for a regency, to exercise the powers of the Crown in case of a recurrence of a like occasion, or of the sovereign's death while the heir apparent was a child. It was determined to empower the King from time to time to name as Regent either "the Queen or any other person of the royal family usually residing in Great Britain;" and in a royal speech this proposal was made to Parliament.<sup>1</sup> But an unexpected question arose. Under the description which had been used, the King thought that his mother, the Princess Dowager of Wales, was eligible to the Regency. Mr. Grenville and some of his colleagues judged that the Princess, not being in the order of succession to the throne, could not be esteemed one of the royal family. The King felt hurt, his mother was enraged, and her intriguing friends saw their advantage.<sup>2</sup> The Prime Minister, who had no personal popularity, was outvoted in the House of Commons. The King was impatient to be rid of him. He tried through the Duke of Cumberland, his uncle, to make terms with Pitt for the formation of a government. But Pitt had too much sense of past ill-treatment, and too fixed a determination to rule in reality if he accepted office, to be won except upon absolute conditions. The result of much caballing and of many defeats was that a Ministry was formed, with the young Marquess of Rockingham at its head,<sup>3</sup> the representative of a great Whig connection, a man without shining qualities, but of integrity, of good

in his reign. I will show you a passage in the continuation of Smollett which proves it, and which was softened down even to what it is at the instance of Government, and at a good price." (Life and Letters of Sir Gilbert Elliot, First Earl of Minto, III. 350.)

<sup>1</sup> Parliamentary History, XVI. 53.

<sup>2</sup> Almon, History of the Minority,

315; Walpole's George the Third, II. 106 *et seq.*

<sup>3</sup> Walpole's George the Third, II. 163-193; Almon, History of the Minority, 320-332; Prior, Life of Burke, I. 131-133; Works of Edmund Burke, I. 309-331; comp Autobiography of the Duke of Grafton, and Walpole's George the Third, IV. 379-383.

intentions, and of experience, for his years, in public business. Lord Rockingham was First Lord of the Treasury, and the Duke of Grafton and General Conway were Secretaries of State.

Lord Rockingham had no pride to gratify by adherence to the colonial policy of his predecessor, and, if he did not see the injustice, he clearly perceived the extreme inconvenience, of persistence in it. He met Parliament

1765. with statements of the action of the Congress at  
Dec. New York, and of the utter failure of the Stamp Act in America.<sup>1</sup> He and General Conway had both opposed the Act, but, on the other hand, in their new position they were responsible for the dignity of the realm.<sup>2</sup>

At the opening of the session the King only said in general terms that "matters of importance had lately occurred in some of the Colonies in America, which would demand the most serious attention of Parliament."<sup>3</sup> In the Address of reply presented for the adoption of the Commons, they were made to say merely: "We will not fail . . . to apply ourselves with the utmost diligence and attention to those important occurrences in America which your Majesty recommends to our consideration, and to exert our most zealous endeavors for the honor of your Majesty's government and the true interest of your people in all parts of your extended empire." Mr. Grenville moved an amendment by adding an expression of the purpose of the House "to express a just resentment and indignation at the outrageous tumults and insurrections which have been excited and carried on in North America, and at the resistance given by open and rebellious force to the execution of the laws in that part of his Majesty's dominions; to assure his Majesty that his faithful Commons, animated with the warmest duty and attachment to

<sup>1</sup> Parliamentary History, XVI. 112 *et seq.*; comp. Chatham Correspondence, II. 350-353.

<sup>2</sup> Walpole's George the Third, II. 217-223.

<sup>3</sup> Albemarle. Memoirs of Rockingham, I. 257, 258.

his royal person and government and to the constitution of these kingdoms, will firmly and effectually support his Majesty in all such measures as shall be necessary for preserving and securing the legal dependence of the Colonies upon this their mother country, for enforcing their due obedience to the laws, for maintaining the dignity of the Crown, and asserting the indubitable and fundamental rights of the Legislature of Great Britain.”<sup>1</sup>

Pitt came from his sick-chamber into the House. 1768.  
 “As to the late Ministry” (the Ministry of Gren- Jan.  
 ville, his wife’s brother), he said, “every capital measure they have taken has been entirely wrong. . . . This kingdom has no right to lay a tax upon the Colonies.”<sup>2</sup>  
 Grenville delivered an elaborate defence of the Stamp Act, and flamed with indignation against the philo-American agitators in England. Pitt fell upon him fiercely. “The gentleman tells us that America is obstinate. America is almost in open rebellion. I rejoice that America has resisted. Three millions of people so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of all the rest.” He advised “that the Stamp Act be repealed absolutely, totally, and immediately. . . . At the same time let the sovereign authority of this country over the Colonies be asserted in as strong terms as can be devised, and made to extend to every kind of legislation whatsoever.” The power of taxing he had carefully distinguished from that of legislating. “Taxation is no part of the governing or legislating power.”<sup>3</sup>

<sup>1</sup> Parliamentary History, XVI. 83, 84, 88, 89; comp. Walpole’s George the Third, II. 235–238.

<sup>2</sup> Parliamentary History, XVI. 97, 99.

<sup>3</sup> Ibid., 101, 102, 104–108; comp. Russell, Life and Times of Charles

James Fox, I. 48, 49; Russell, Memorials and Correspondence of Charles James Fox, I. 109–111; Walpole’s George the Third, II. 260–269; Chat-ham Correspondence, II. 362–373; Adolphus, History of England, I. 195–209.

The repeal of the Stamp Act was urged by many English merchants. In "a petition of the merchants of London trading to North America," they represented to the House that, by reason of the large business hitherto carried on between the two countries, the American Colonies were now indebted to the merchants of Great Britain in the sum of several millions sterling, and that the American debtors, appealing to past experience in proof of their willingness, declared that the recent encroachments of the British government had so "disturbed legal commerce, . . . thrown the state of the several Provinces into confusion, and brought on so great a number of actual bankruptcies, that the former opportunities and means of remittances and payments were utterly lost and taken from them." The London merchants accordingly prayed the Commons to afford such relief as might "preserve the strength of the nation entire, its commerce flourishing, the revenues increasing, our navigation — the bulwark of the kingdom — in a state of growth and extension, and the Colonies, from inclination, duty, and interest, firmly attached to the mother country." Memorials to the same effect came in from Liverpool, Leeds, Manchester, Birmingham, and numerous other commercial and manufacturing towns.<sup>1</sup>

A Committee of the Whole of the House of Commons  
<sup>1766.</sup> sate many hours of each of some twelve days "to  
<sup>Feb.</sup> consider the petitions and papers." The Committee summoned, among others, Dr. Franklin, who had just come to London as agent for Pennsylvania, and examined him respecting the effects produced by the Stamp Act upon his countrymen, and their sentiments and purposes concerning it. He told the Committee that in the Stamp Act the Ministry had undertaken what it was impossible they should effect; that "the people of America

<sup>1</sup> Parliamentary History, XVI. 133-136; comp. Prior, Life of Burke, I. 142-144.

would never submit to pay the stamp duty unless compelled by force of arms;" that the temper of America towards Great Britain till the end of the last war with France was "the best in the world," but that now it was "very much altered." He said that in his opinion "there was not gold and silver enough in the Colonies to pay the stamp duty for one year. . . . Suppose a military force sent into America, they will find nobody in arms. What are they then to do? They cannot force a man to take stamps who chooses to do without them. They will not find a rebellion; they may indeed make one. . . . If the Act is not repealed, the consequences will be a total loss of the respect and affection the people of America bear to this country, and of all the commerce that depends on that respect and affection. . . . Their opinion is that when aids to the Crown are wanted, they are to be asked of the several Assemblies, according to the old established usage, who will, as they always have done, grant them freely; and that their money ought not to be given away without their consent by persons at a distance, unacquainted with their circumstances and abilities. . . . The money paid to the post-office is not of the nature of a tax; it is merely a *quantum meruit* for a service done.<sup>1</sup> . . . The proceedings of the people in America have been considered too much together. The proceedings of the Assemblies have been very different from those of the mobs, and should be distinguished, as having no connection with each other. The Assemblies have only peaceably resolved what they take to be their rights; they have taken no measures for opposition by force; they have not built a fort, raised a man, or provided a grain of ammunition, in order to such opposition. The ringleaders of riots they think ought to

<sup>1</sup> "As to the postage, it was so made to it; yet every man who useful a regulation, so few persons thought about it called it a usurpation." (John Adams, in Almon's fit by it, that little opposition was Remembrancer, I. 19.)

be punished ; they would punish them themselves if they could. Every sober, sensible man would wish to see rioters punished, as otherwise peaceable people have no security of person or estate ; but as to an internal tax, how small soever, laid 'by the Legislature here on the people there, while they have no representatives in this Legislature, I think it will never be submitted to ; they will oppose it to the last ; they do not consider it as at all necessary for you to raise money on them by your taxes ; because they are, and always have been, ready to raise money by taxes among themselves, and to grant large sums, equal to their abilities, upon requisition from the Crown.

“ They have not only granted equal to their abilities, but during all the last war they granted far beyond their abilities, and beyond their proportion with this country (you yourselves being judges) to the amount of many hundred thousand pounds ; and this they did freely and readily, only on a sort of promise from the Secretary of State that it should be recommended to Parliament to make them compensation. It was accordingly recommended to Parliament ; . . . . you did accordingly give two hundred thousand pounds annually to the Crown to be distributed in such compensation to the Colonies. This is the strongest of all proofs that the Colonies, far from being unwilling to bear a share of the burden, did exceed their proportion ; for if they had done less, or had only equalled their proportion, there would have been no room or reason for compensation. Indeed, the sums reimbursed them were by no means adequate to the expense they incurred beyond their proportion ; but they never murmured at that. . . . . Many arguments have been lately used here to show them that there is no difference [between internal and external taxes], and that if you have no right to tax them internally, you have none to tax them externally or make any other law to bind them.



At present they do not reason so ; but in time they may possibly be convinced by these arguments.”<sup>1</sup>

During the progress of the deliberation, the agents in London kept the Colony informed of the shifting prospect as to the repeal of the obnoxious Act. Bollan prepared a treatise, represented by him as being the fruit of much research and labor, and “got five hundred copies despatched, which were chiefly given to the members, at the doors of the House of Commons and House of Lords.”<sup>2</sup>

Jackson, agent of Connecticut and Pennsylvania, who, as a member of Parliament, had good opportunities for forming a judgment, was not sanguine that the right would prevail. Four months after Lord Rocking-  
ham came into power, he wrote : “ I cannot foresee

1765.  
Nov.

what government will do, but am informed they are determined to support the Stamp Act and not to give way to its repeal. . . . I cannot express my concern for what has happened in America. God knows what the consequences will be. Sure I am that the conduct of the Americans will weaken the power of friends here to serve them.”

A little later, though he could not “yet guess the intentions of administration on the subject of America,” he had “received encouragement to hope the best, not from ministers, but from some closely connected with them.”

But as late as several weeks after Parliament met, he could make no more hopeful report than “what  
will become of the Stamp Act I dare not guess ; no labor of mine has been spared to obtain its repeal, which is however strongly opposed, and at present by an apparent majority, in the House of Lords.”<sup>3</sup>

1766.  
Feb.

As the result of their examination and discussions, the Committee of the Whole of the House of Commons reported seven Resolves for the action of the House. The

<sup>1</sup> Sparks, Works of Benjamin Franklin, IV. 161.

<sup>2</sup> William Bollan to Secretary Oliver, in Bradford's Speeches, &c., 67.

<sup>3</sup> Ibid., 69-71.

first declared that the King and Parliament had “full power and authority to make laws and statutes of sufficient force and validity to bind the Colonies and people of America, subjects of the Crown of Great Britain, in all cases whatsoever;” the second, that lawless and dangerous insurrections had taken place in the Colonies; the third, that such insurrections had been “countenanced and inflamed” by the proceedings of Colonial Assemblies; the fourth, fifth, and sixth, that persons who had manifested a desire to comply with, or to assist in carrying into execution the obnoxious Acts, were entitled to the protection of the House; that all such persons “ought to have full and ample compensation made to them by the respective Colonies” for any injury or damage sustained by reason of their dutiful conduct, and that all penalties and forfeitures ought to be remitted to persons unable to procure stamped paper for the transaction of their business. And finally, by the seventh Resolve, the House was to “be moved that leave be given to bring in a Bill to repeal an Act passed in the last session of Parliament, entitled An Act for granting and applying certain stamp duties and other duties in the British Colonies and Plantations in America towards further defraying the expenses of defending, protecting, and securing the same; and for amending such parts of the several Acts of Parliament, relating to the trade and revenues of the said Colonies and Plantations, as direct the manner of determining and recovering the penalties and forfeitures therein mentioned.”<sup>1</sup>

The first and last of the Committee’s series of Resolves were those of principal concern. Mr. Grenville and his friends would have persisted at all hazards in the policy of the Stamp Act, as right and expedient. Mr. Pitt, as

<sup>1</sup> Parliamentary History, XVI. in §§ 4, 5, 12, 16, &c., of the Act of 162; comp. 182. The conciliatory sixth year of George the Third, chap. provisions for relaxing the severity of 52. Comp. Mahon, V. 145. provisions of the earlier *Sugar Act* are

has been said, denied the power of Parliament to tax the Colonies, but he ascribed to it an unlimited power to restrict their commerce and other industry. Lord Rockingham and his party, in which Edmund Burke, now his private secretary, was conspicuous, entertained more liberal doctrines than Pitt respecting colonial trade. On the other hand, they rejected his opinion that the mother country could not rightfully tax the Colonies, but, on weighty grounds of public expediency, they were for refraining from any present use of the right.

The seventh Resolve, though contested in the Committee, had been adopted there by a majority of 275 to 167. The others, except the first, had encountered no opposition, or had without much difficulty prevailed. In the House of Lords, to which they were first reported, <sup>1766.</sup> the Resolves led to an animated debate. As to <sup>Feb.</sup> the doctrine of the first of them, the Duke of Grafton, one of Lord Rockingham's Secretaries of State, "declared his opinion to be that the Americans were as liable to be taxed as any man in Great Britain." Lord Shelburne "did not give any direct opinion on the right of Parliament, though he seemed . . . to insinuate that he was of that opinion." Lord Lyttelton and the Lord Chancellor (Northington) urged that view with much greater warmth. Lord Camden (Chief Justice Pratt, just now raised to the peerage) said: "My searches have more and more convinced me, that the British Parliament have no right to tax the Americans. . . . Taxation and representation are inseparably united. God hath joined them; no British Parliament can separate them."<sup>1</sup>

After debate in the House of Commons, all the Resolves were approved, and a bill "for the better securing the dependency of his Majesty's dominions in America upon the Crown and Parliament of Great Britain," and a bill for the repeal of the Stamp Act, were passed by the House,

<sup>1</sup> Parliamentary History, XVI. 165-178.

and sent up to the Lords. There the Declaratory Act, founded upon the first Resolve, was first taken up. Only

<sup>1766.</sup>  
<sup>March.</sup> four peers, besides Lord Camden, voted against it. In the Lower House it had passed without a division.<sup>1</sup> The repeal of the Stamp Act<sup>2</sup> was carried in the House of Commons by 275 votes against 167; in the House of Lords, by 105 votes against 71. Thirty-two Lords recorded their protest against the repeal. Three days later, the King gave it the approval which made it a law.<sup>3</sup>

The relief and delight occasioned in America by the intelligence of the repeal of the Stamp Act were  
<sup>May.</sup> increased by the further action of the home government in relaxing the revenue regulations which had

<sup>1</sup> The Declaratory Act was in these words: "Be it declared by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament Assembled, and by the Authority of the same, that the said Colonies and Plantations in America have been, are, and of Right ought to be subordinate unto and dependent upon the Imperial Crown and Parliament of Great Britain, and that the King's Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons of Great Britain, in Parliament assembled, had, hath, and of Right ought to have, full power and authority to make Laws and Statutes of sufficient force and validity to bind the Colonies and people of America, subjects of the Crown of Great Britain, in all cases whatsoever.

"II. And be it further declared and enacted by the authority aforesaid, That all Resolutions, Votes, Orders, and Proceedings in any of the said Colonies or Plantations, whereby the Power and Authority of the Parliament of Great Britain to make Laws and Statutes as aforesaid is de-

nied or drawn in Question, are and are hereby declared to be utterly null and void to all Intents and Purposes whatsoever."

<sup>2</sup> After reciting the Stamp Act by its title, the Act of Repeal proceeded: "Whereas the continuance of the said Act would be attended with many inconveniences, and may be productive of consequences greatly detrimental to the Commercial Interests of these kingdoms, be it enacted by the King's most Excellent Majesty, by and with . . . . That from and after the first day of May, 1766, the above-mentioned Act and the several matters and things therein contained shall be, and is, and are hereby repealed and made void to all Intents and Purposes whatsoever."

<sup>3</sup> Parliamentary History, XVI. 181-193. These transactions are fully related by Horace Walpole (*Memoirs of the Reign of George the Third*, II. 276-309); comp. Adolphus, *History of England*, I. 197-221; Chatham Correspondence, II. 374-403; Albemarle, *Memoirs of the Marquis of Rockingham*, I. 275, 282-293, 297-314.

caused offence. The Declaratory Act gave not much concern. It was regarded, not as a significant menace of any further wrong,<sup>1</sup> but rather as only brute thunder, in the sound of which the government desired to retreat with decency from its awkward position. Nor was the exultation in London much less lively than in the Colonies. "The American merchants made a most numerous appearance, to express their gratitude and joy. Ships in the river displayed their colors. Houses at night were illuminated all over the city; and every decent and orderly method was observed to demonstrate the just sense they entertained of his Majesty's goodness and the wisdom of Parliament, in conciliating the minds of the people on this critical occasion."<sup>2</sup>

It was to be supposed that when the new General Court of Massachusetts came together in the second week after the arrival at Boston of intelligence of the repeal of the hated Act, the Governor's policy would be to cherish and encourage the sentiments of gratitude and of renewed friendship which had been excited by the action of Parliament. On the contrary, beginning the session 1766. by an exercise of his prerogative alike useless and May. offensive, he refused to approve the election of James Otis, as Speaker of the House. The House made no complaint, but proceeded to choose in Otis's place Thomas Cushing, another of the four members from Boston. To him the Governor made no objection.<sup>3</sup>

Whether influenced or not by displeasure at this un-

<sup>1</sup> "I think the resolutions of right will give them very little concern, if they are never attempted to be carried into practice." (Franklin, before the Committee of the House of Commons, in Sparks's Franklin, IV. 176; comp. Grenville Papers, III. 250.)

<sup>2</sup> Gordon, *American Revolution*, I. 205. — "An event that caused more universal joy throughout the British

dominions than perhaps any other that can be remembered." (Hansard, XVI. 206.) "A grand dinner was given at Draper's Hall in celebration of the repeal. It was among the most brilliant ever seen in the city, and the chronicles duly record that nine Dukes were amongst the company. Mr. Trecothick presided." (Albemarle, *Memoirs of Rockingham*, I. 320.)

<sup>3</sup> It was this gentleman whom it

friendly demonstration, the Court, in its election of Counsellors for the current year, dropped from the Board the Lieutenant-Governor, the Secretary, and two others of the Governor's conspicuous adherents, Judge Oliver and Attorney-General Trowbridge.<sup>1</sup> Of the Counsellors chosen by them, Bernard refused his approval to James Otis and five others. The vacancies thus made remain unfilled. The character of the Board was materially changed; and by the removal of Hutchinson, James Bowdoin, who was in sympathy with the House, attained an unquestionable pre-eminence.

On this occasion of elections unsatisfactory to the one party, and rejections of them disagreeable to the other, the Governor did not imitate the judicious forbearance of the Representatives. In a speech to the Court, he arraigned them for an "intention to deprive the government of its best and most able servants, whose only crime is their fidelity to the Crown." He inveighed against the treatment which the friends of government had received within the year, and maintained that it was to the efforts of persons who had been "proscribed by the invidious name of friends to the Stamp Act" that its repeal was mainly owing, and he especially denounced the violence against Hutchinson. He said that he was looking for instructions from home, and should reserve till the time of receiving them "the consideration of the terms upon which the Stamp Act had been repealed; of the expectations of the Parliament that the Americans would not abuse the indulgences granted to them; and of the assurances which the promoters of the repeal had publicly given that it would be most gratefully and humbly received."<sup>2</sup>

was supposed by some in England that the people of Massachusetts were disposed to make their "King." Adams's Adams, II. 163.

illustrated by the substitution of Samuel Cooper (May 29) for Andrew Eliot as Chaplain of the House.

<sup>2</sup> Journal of the House; Bradford's Speeches, &c., 74, 75.

<sup>1</sup> The temper of the time is further

The answer of the Representatives to the Governor's speech was not likely to lose anything in vigor and spirit from the constitution of the Committee raised for preparing it, the members of which, after the Speaker, were James Otis, smarting from his recent insult; Samuel Adams; Joseph Hawley, of Northampton, a patriot now first rising into notice, but scarcely surpassed by any in later years for services and talents; Thomas Saunders and Samuel Dexter, recently rejected as Counsellors; and Oliver Partridge, lately delegate to New York.

1766.

The Representatives complained of the captious and censorious tone in which the Governor had addressed them, when they had hoped that he "would have spread a veil over every disagreeable scene in the late times of public calamity." They abjured, for themselves, all interests detached from or inconsistent with the common good. "We cannot forbear observing," they say, "that when you are speaking, as we conceive, of the injustice done his Honor the Lieutenant-Governor the last year, your manner of expression would lead a stranger to think that so horrid an act of villany was perpetrated by the body of the people;" and they protest with vehemence against the imputation. "Under cover of the night, a few villains may do much mischief; and such was the case here; but the virtue of the people themselves finally suppressed the mob." They had a great advantage in respect to his imprudent strictures on their supposed motives in the choice of Counsellors. "We are wholly at a loss to conceive how a full, free, and fair election can be called 'an attack upon the government in form,' 'a professed intention to deprive it of its best and most able servants,' 'an ill-judged and ill-timed oppugnation of the King's authority.' . . . We were summoned and convened here to give our free suffrages at the general election, directed to be annually made by the royal charter. We have given our suffrages according to the

June.



dictates of our consciences and the best light of our understanding. It was certainly our right to choose." They contradict and disprove the Governor's assertion "that only one of all the American petitions [that prepared by Hutchinson] 'was well received and of real use in producing the repeal;'" and they conclude: "When your Excellency shall 'be assisted by special instruction, and speak to us with greater authority than your own,' we shall be all attention; being assured, from past experience, that everything coming from his Majesty will be full of grace and truth."<sup>1</sup>

The fourth Resolve of the series which had been adopted by the House of Commons declared that all persons who, by reason of their maintenance of "any acts of the Legislature of Great Britain relating to the British Colonies in North America, had suffered any injury or damage, ought to have full and ample compensation made to them for the same by the respective Colonies in which such injuries or damages were sustained." The Governor informed the General Court that along with intelligence of the passing of the Declaratory Act and the repeal of the Stamp Act, he had received an instruction from Secretary Conway to recommend to the Court "that full and ample compensation be made to the late sufferers by the madness of the people." He praised the Secretary's letter as being "conceived in strong, patriotic, and conclusive terms." He added: "I cannot but lament that this letter did not arrive before the meeting of the General Court; and if it had, I flatter myself it would have prevented a transaction which must now be more regretted than ever: I mean, your excluding from the King's Council the principal Crown officers." He urged with vehemence, and not without passion, "that these gentlemen are turned out for their deference to Acts of the British Legislature. . . . You cannot avoid being chargeable with unthankfulness and

<sup>1</sup> Journal of the House; Bradford's Speeches, &c., 76-81.

dissatisfaction on ground of former heat and prevailing prejudice; it is impossible to give any tolerable coloring to this proceeding." In respect to the recommendation of pecuniary requital to the sufferers by the late riots, called by him a *requisition*, he said: "The justice and humanity of it is so forcible that it cannot be controverted; the authority with which it is introduced should preclude all disputation about complying with it." He closed his speech with fervent exhortations, founded on considerations of duty and of safety, to a deportment of loyal submissiveness. "Both the business and the time," he with lofty frankness said, "are most critical; let me intreat you to recollect yourselves, and consider well what you are about."<sup>1</sup>

The Speaker, Mr. Otis, and Mr. Adams were again on the Committee for defending the House against the Governor. Premising that "as on the one hand no consideration shall ever induce us to remit in the least our loyalty and gratitude to the best of Kings, so on the other no unprovoked asperity of expression on the part of your Excellency can deter us from asserting our undoubted charter rights and privileges," they maintained with warmth, yet with dignity, their right to use freedom in their elections, without any questioning of their motives, which, however, in the instance for which they were arraigned, they asserted to have been of the most disinterested and patriotic character. They accorded with the Governor in the distinction which he had pointed out "between a right and the propriety of exercising it," only making an application of it to his own recent "reluctant exertion of the prerogative in disapproving six of the gentlemen chosen [to be Counsellors] by the two Houses of Assembly."

The Council comprehended in one reply their remarks on the Governor's two speeches to the Court. They ex-

<sup>1</sup> Bradford, Speeches, &c., 81-84; Journal of the House.

pressed their apprehension that the effect of his language, relating to the late riots, might be "to lead some who are not acquainted with the state of the Province to entertain such an opinion of the government, or the people, or both, as they do not deserve. . . . Villains are to be found in the best communities on earth; . . . and the British Parliament knew how to distinguish the complaints and dutiful remonstrances of loyal subjects, who thought themselves aggrieved, from the violences of a profligate rabble." And they vindicated, with the same explicitness and spirit as the Representatives, the right to a perfect freedom in elections.

The question of a remuneration to the sufferers in the late disturbances was of a more immediately practical nature. Of this the House at present only said: "The recommendation enjoined by Mr. Secretary Conway's letter, and in consequence thereof made to us, we shall embrace the first convenient opportunity to consider and act upon. In the meantime we cannot but observe, that it is conceived in much higher and stronger terms in the speech than in the letter. . . . However, if this recommendation, which your Excellency terms a requisition, be founded on 'so much justice and humanity that it cannot be controverted;' if 'the authority with which it is introduced should preclude all disputation about complying with it,' we should be glad to know what freedom we have in the case."<sup>1</sup> A few days afterwards, they voted to refer it "to the next session of this Court, that the members of the House may consult their constituents thereon." The Governor revived their attention to it by sending them an estimate of the damages sustained by the Lieutenant-Governor and others in the riots in Boston. The House acquainted him that they had "the greatest abhorrence of the madness and barbarity of those persons who were the instruments of their sufferings,"

<sup>1</sup> Journal of the House; Bradford, Speeches, &c., 85-91.

but that, as "to make up their losses appears to this House not as an act of justice, but rather of generosity, they are in doubt whether they have any authority to make their constituents chargeable with it without their express consent."

The Governor persisted in asking that the indemnity should be immediately granted by the Province, without waiting for a determination of the question by whom it should ultimately be paid. He said that in any scrutiny which the House might institute respecting the agents of the mischief, they should "certainly be assisted by the Council;" and this suggestion led to a conference which was as fruitless on both sides as it was probably expected to be. The House adhered to its judgment against immediate action, and justified it in an argument, in the course of which they took occasion to controvert the Governor's opinion that the reputation of the town of Boston was especially implicated in what had taken place. No more could be done at present, and the Court was prorogued. It had sent to the agent, Mr. De Berdt, "a fair and impartial representation of the conduct of this government, to be . . . laid before the Ministry." It had testified its sense of the removal of the grievous burden of the Stamp Act by desiring the Governor "to appoint a day of General Thanksgiving to be observed throughout the Province, that the good people thereof may have an opportunity in a public manner to express their gratitude to Almighty God for his great goodness in thus delivering us from our anxiety and distress, and restoring the Province to its former domestic peace and tranquillity," and by sending Addresses of unanimous thanks to the King, to Mr. Pitt in special terms, and to several peers and commoners who had favored their cause.<sup>1</sup>

<sup>1</sup> Journal of the House. — In this session the public were first admitted to the debates. June 3, a committee was raised "to consider the expedi-

Such were the proceedings of the General Court of Massachusetts in its first session after the relief of its constituents from the oppressive Act which had so alarmed them. It may well be believed that those proceedings would have been different, if the temper of the Governor had been more friendly. But it was mortifying and exasperating to him that the opponents by whom he had been so disabled and defied, had now pretexts for assuming such a tone of triumph. And he had given new offence by deporting himself accordingly.

ency of opening a gallery for the accommodation of such as may incline to attend the debates of this House, under such regulations as may here-

after be agreed upon." June 11, an order was passed to make the arrangement.

## CHAPTER VII.

AFTER a rule of scarcely a year, the Ministry which had rendered such acceptable service to America, as well as such substantial services to Great Britain,<sup>1</sup> proved to be demoralized and was decomposed. It had never been strong.<sup>2</sup> Lord Rockingham was not a ready debater. General Conway, with upright and generous purposes and dispositions, was wanting in self-confidence and courage. The Duke of Grafton, the other Secretary of State, was not in full sympathy with his chief; and this was still more true of Lord Northington, the Chancellor. Edmund Burke, without advantages of birth or fortune, was still a young man, not yet of much weight in the affairs of administration. Dowdeswell, Chancellor of the Exchequer, was not eminent for his skill in his proper department, and beyond that sphere he had no pretensions. Pitt was no more than proudly tolerant of the King's advisers. "I have no objection to them," he had loftily proclaimed when he first met them in Parliament; "their characters are fair, . . . but notwithstanding, I cannot give them my confidence; . . . confidence is a plant of slow growth in an aged bosom."<sup>3</sup> The King had been chafing all along under his chronic apprehension of being controlled by the

<sup>1</sup> Burke's "Short Account of a Late Short Administration," in Works, I. 219.

<sup>2</sup> "The Ministry goes on just as it did, everybody laughing at them and holding them cheap, but, according to the fashionable phrase, doing

justice to their good intentions." (Fox to Sir George Macartney of May 3, 1766, in Russell's Correspondence of Fox, I. 26.)

<sup>3</sup> Hansard, XVI. 97; comp. Russell's Correspondence of Fox, I. 113-115.

1766. great Whig families. After no little negotiation,  
 July. much of it scarcely less than humiliating to the King, Pitt (created Earl of Chatham, to the sacrifice of his distinction as the "Great Commoner") consented to form a ministry,<sup>1</sup> in which, however, the Duke of Grafton took the post of First Lord of the Treasury, usually held by the head of the Cabinet. Pitt assigned to himself the comparatively inconsiderable office of Lord Privy Seal. His health, both of body and of mind, was now impaired, and before long became miserably broken. After the first few months, his public service at this time, extending through more than two years, was only nominal; or so far as it was otherwise, it was an occasion of constant embarrassment and annoyance to his associates in office.

Three principal subjects of dispute claimed the attention of that General Court of Massachusetts which was constituted just after the repeal of the Stamp Act.<sup>2</sup> Chief of these was the question, suspended by the prorogation in the spring, of indemnity to the sufferers by the riots in Boston in the last year.

The Governor lost not a day in recalling their attention to it, when they came together in the autumn.  
 Oct. to it, when they came together in the autumn.  
 Nov. By a majority of forty-four to thirty-six, the House voted not to "order a compensation . . . . for the losses sustained, out of the public treasury;" and on a

<sup>1</sup> "He made an administration so chequered and speckled; he put together a piece of joinery so crossly indented and whimsically dovetailed; a cabinet so variously inlaid; such a piece of diversified mosaic; such a tessellated pavement without cement, here a bit of black stone, and there a bit of white; patriots and courtiers; king's friends and republicans; whigs and tories; treacherous friends and open enemies; that it was, indeed, a very curious show, but utterly unsafe

to touch, and unsure to stand on. . . . It did so happen that persons had a single office divided between them, who had never spoken to each other in their lives until they found themselves, they knew not how, pigging together, heads and points, in the same truckle-bed." (Burke, Speech on American Taxation, in Works, I. 478.)

<sup>2</sup> In Massachusetts the annual elections took place in May.



motion to reconsider it, adhered to that decision. A proposal was made to raise the required money by a lottery, another "to recommend to the several towns to raise their proportion in such way and manner as they should judge meet." But neither of these projects found favor. At length the House ordered "that a committee be appointed to bring in a bill for making compensation to the sufferers, . . . and also for making provision to indemnify all persons concerned in said violence; and that the Bill, when agreed upon by the House, be printed for the consideration of the several towns in the Province." That measure prevailed; and the House, in acquainting the Governor with it, say:—

That they "cannot help observing that the manner in which your Excellency has repeatedly proposed a compensation to the sufferers, has been derogatory to the Honor of the House, and in breach of the privileges thereof; that the terms you have made use of have been essentially different from those dictated to you by his Majesty's express command, signified in a letter from his Secretary of State; that they tended to weaken the inherent uncontrollable Right of the People to dispose of their own money to such purposes as they shall judge expedient, and to no other; and that under these apprehensions it is not improbable some of the towns may have framed their instructions to their Representatives against a compensation out of the Public Treasury.

"The House, however, with the most dutiful and profound respect, have attended to his Majesty's most gracious and mild recommendation, and observe that it is his pious and benevolent intention that not only a compensation should be made to the sufferers in the late times, but also that a veil be drawn over every disgraceful scene, and to forgive and even to forget the undutiful behavior of any of his subjects in those unhappy times." And so, "confirmed in the opinion that an indemnification of the

offenders is of equal importance and necessity with the making compensation to the sufferers, and being ever ready with the utmost cheerfulness to unite their endeavors in promoting the wise and gracious purposes of their rightful Sovereign, in conformity to the spirit of Mr. Secretary Conway's letter, the House have framed a Bill entitled An Act for granting Compensation to the Sufferers, and general Pardon, Indemnity, and Oblivion to the Offenders in the late times. They have framed their Bill accordingly, combining both these objects."

After a recess of three weeks, which the Governor allowed them for conference with their constituents,  
1768. Dec. they passed a bill of this tenor by a majority of only 53 against 35, resolving at the same time that in doing so they "were influenced by a loyal and grateful regard to his Majesty's most mild and gracious recommendation; by a deference to the opinions of the illustrious Patrons of the Colonies in Great Britain, and for the sake of internal peace and order, without regard to any interpretation of his Majesty's recommendation into a requisition precluding all debate and controversy; and under a full persuasion that the sufferers had no just claim or demand on the Province;" that "this compliance ought not hereafter to be drawn into a precedent;" and "that it was the indispensable duty of the sufferers to have applied to the Government here, rather than to the Government at home; and that the neglect of any of them to petition to this Assembly till October last, while they were complaining at home, is very reprehensible;" and adding, "Whereas it appears to this House by the Resolutions of the Honorable the House of Commons of Great Britain, that it was their opinion that the Resolutions of divers Assemblies in America had a tendency to encourage the Riots that happened there, they *Resolved*, That this cannot be said of the Resolutions of the House of Representatives of this Province, as the said Riots happened

about two months before any such Resolutions were made."<sup>1</sup>

The Council concurred, and the Governor signed the Bill. When it came before the King's Privy Council, that body repealed it, because of its assumption of power in the Court to pronounce an amnesty, and ordered "that the Governor do forthwith require the Assembly to pass an Act for compensating the sufferers, unmixed with any other matters, in case such compensation shall not have been already made."<sup>2</sup> This proceeding, however, was inoperative, as the money had been paid to Hutchinson, Oliver, Hallowell, and Story; and no further inquisition was made for the rioters.<sup>3</sup>

In the choice of Counsellors at the beginning of this General Court, it has been told that the Lieutenant-Governor was omitted. In virtue, however, of his office, he continued to sit with the Council, though he did not claim a right to speak or vote. At this the House took umbrage. "We are of opinion," they said to the Governor, "that this conduct is not supportable by any precedent; but should there be found, upon

1767.

May.

Jan.

<sup>1</sup> Journal of the House; comp. Bradford, State Papers, 97-101.

<sup>2</sup> Journal of the Board of Trade for May 22, 1767; comp. Walpole's George the Third, II. 454; Correspondence of the Earl of Chatham, III. 191, 255, note.

<sup>3</sup> Lord Shelburne, referring to the representations which he had received from the Governor of the disposition and proceedings of this General Court in its first session, had written to him (September 13) that "his Majesty was extremely sorry to observe any degree of ill temper remaining in his Colony of Massachusetts Bay, or that points should be so improperly agitated as to tend to the revival of disputes which every friend to America must wish to be forgotten." The Minister expressed his strong appro-

bation of Governor Bernard's conduct in the past year, and his persuasion that the Court would not "suffer any private consideration to interfere with their desire of showing a proper sense of that paternal regard which they had experienced from his Majesty, and of the attention which Parliament has given to their complaints." The Governor (November 12, 13) laid the letter before the House. That body began its next session (December 4) by ordering a letter to be sent to the Earl and another to its agent, De Berdt, "tending to remove the unfavorable impression that has been made by the misrepresentations of the temper and conduct of his Majesty's Province." (Journal of the House; comp. Bradford's State Papers, 99-102.)

searching ancient records, any instance of the kind, it is not only in itself an impropriety, but repugnant to the Constitution and the letter of the charter. . . . If the honorable gentleman was introduced by your Excellency, we apprehend that the happiest means of supporting the authority of the government or maintaining the honor of the Province were not consulted therein; but if he came in and took a seat of his own motion, we are constrained to say that it affords a new and additional instance of ambition and a lust of power to what we have heretofore observed." The Governor, having directed the Secretary

1767.

Feb.

to "search the books" for precedents, declared the result of the examination to be, "that every Lieutenant-Governor, since the opening the present charter, has usually and frequently, when not elected a Counsellor, sat in Council, until the time of Governor Belcher, who excluded the Lieutenant-Governor from a seat in the Council, which he complained of as a grievance, and submitted to with resentment." The House had to admit the force of the precedents in the cases of Lieutenant-Governor Povey in the time of Dudley, and Lieutenant-Governor Dummer in the time of Shute; but they insisted that these instances were "in no degree countenanced by the charter, but evidently repugnant to it." The Governor sent to the House a letter, in which Hutchinson, without yielding his right, declared his purpose to abstain from the use of it for the present. The House, not satisfied, applied to the Council "to consider what influence this conduct of the Lieutenant-Governor might have upon the Constitution." Lord Shelburne, consulted by the Governor, replied that the question seemed to be one for the decision of the Council.

March.

That body declined to entertain it in its present shape. On a further application, in more exact form, the Counsellors, along with an expression of their sensibility that the House should have so confidently prejudged it

without consultation with them, pronounced their unanimous opinion, that, the Governor being present, "the Lieutenant-Governor, by the Charter," had no "constitutional right to a seat at the Board, either with or without a voice," adding, however, "that his Honor's taking a seat in Council . . . . was so far excusable as former precedents, and one contemporaneous with the charter, can justify." The House considered the matter to be of such importance that they sent a long argument respecting it to their agent in London.<sup>1</sup>

A company of English regulars, having been stationed in Boston in the recess of the General Court, were furnished with certain supplies by the order of the Governor in Council. The House sent up an inquiry by what authority this provision had been made, and "an Act or Acts of the British Parliament [relating to such supplies] had been printed and published among the laws of this Province." On the last day of the session, too late for further action, the Council referred the House to the Governor for information on the subject. Again approached with the inquiry as to provision for the troops, to which was now added the question whether he had reason to expect the arrival of any more, he answered that he knew of no intention to send more, and that he had always intended to lay before them, as soon as it could be made out, an account of the small expense incurred for the troops, agreeable to a recent Act of Parliament. The Representatives replied by the usual argument that it belonged to their House alone to dispose of money, and that in case of any extraordinary exigency, when they were not in session, no time should be lost in submitting to them a report of what had been done. "It is still more grievous to us," they continued, "to find your Excellency making mention of a late Act of Parliament, in pursuance of which your Excel-

1766.

Dec.

1767.

Jan.

Feb.

<sup>1</sup> Journal of the House.

lency and the Council have created this expense to the Province," — an Act, they say, "which appears to us to be as real a grievance as that which so justly alarmed this continent." The Governor appeared to take entirely defensible ground, when he replied that he had communicated the desired information to the House as soon as the necessary materials came to his hands, and that, independently of any authority, greater or less, of the late Act of Parliament, "the manner of making the provision [for the soldiers] and the provision itself, were agreeable to the usage of this government in the like cases."<sup>1</sup>

Mr. Richard Jackson was agent for the General Court in London. The House voted to discharge him from that place. The reason assigned was that he could not so well perform its duties by reason of his being agent for Connecticut at the same time. But it is probable that he was suspected of being too much in the confidence of the Governor, who had interested himself in promoting his appointment. The Governor made no opposition to Jackson's removal, but recommended that he should first be paid for his services. The House resented this interference of the Governor, declaring that they had "just reason to complain of it, as an unconstitutional exercise of his power, and a breach of the privilege of the House," but adding, "When the demands of Mr. Jackson shall come properly before us, we shall, as at all times and in all cases, take care to do him at least strict justice." The Council concurred in the action of the Representatives. The Governor signified his assent, and the Court was prorogued not again to meet.<sup>2</sup>

<sup>1</sup> Journal of the House ; comp. Bradford, State Papers, 105-108.

<sup>2</sup> Journal of the House. Another matter of dispute between the Governor and the House arose out of certain charges against Massachusetts seamen, understood to have been made by the Governor of Nova Sco-

tia in a proclamation, which was reprinted by Bernard in Massachusetts, with the title "Notifications published that all persons concerned might be apprised thereof." The Governor asserted the propriety of the notification ; the House reaffirmed its dissatisfaction ; and there the mat-

The new Court met with no more friendly feelings than the last towards the Governor and his knot of followers. They chose again the Counsellors whom he had rejected last year; and he again disallowed them, except one, Mr. Sparhawk. He informed them that he had ordered the usual supplies for some recruits newly arrived, and they approved his action. His opening speech had recommended to them "to endeavor to restore to this General Court the mutual confidence and unanimity which prevailed in it, until they were interrupted by the late popular uneasiness." They replied that they did "not recollect a single act done by the representative body of this Province, which could have the least tendency to interrupt a general harmony;" that their constituents had learned "with the deepest concern" that representations of "ill temper" on their part had been made to the King; that "nothing would tend more to conciliate the minds of the people," than to have evidence that the Governor had "had no hand in such representations;" and that as to the short session which the Governor advised, while they had no inclination to use time in "unnecessary disputation," they would think no time misspent which they might find occasion to employ in sustaining the rights of the Province.<sup>1</sup> But the session passed without any occasion for animated dispute. The Governor was tenacious as to the expediency, which the House refused to admit, of strengthening the garrison of Fort Pownall in Maine, and much communication passed upon the subject. But as the House could not be prevailed upon to make the desired appropriation, it was unavoidable for the Governor to submit.<sup>2</sup>

The proceedings of the government thus far, since intelligence was received of the withdrawal of the Stamp Act, indicated that, owing in no small degree to the

ter had to rest. (Journal of the House for February 6, 27, and March 6.)

<sup>1</sup> Journal of the House.

<sup>2</sup> Ibid., for June 17, 23, 24, 25.



Governor's morose behavior, the wound inflicted by that hated measure was still open. It was perhaps not to be expected that such resentments as had been roused would be spontaneously or soon allayed. But it is not unreasonable to think that a moderate share of prudence would have caused the Governor to recognize the critical circumstances of his position, and to abstain from that arrogant deportment which the House, not only through a sense of its public obligations, but by reason of the private griefs of some of its chief members, was all ready to note promptly and to resent with acrimony.<sup>1</sup> Under the lead of Bowdoin, the member of the Governor's Council the most considerable after Hutchinson ceased to appear at the meetings of that Board, its attitude and action, if less impassioned and (if we may say so) more dignified than that of the House, were not less firm, or less true to the interests and honor of the Province.<sup>2</sup>

The time had come for another rude shock to that confiding loyalty, slow to be disheartened and prompt to revive, which had been father to the thought that the lofty declaration of an unrestricted parliamentary power was only to save appearances, and boded no practical evil in the future. Some months had now passed of Pitt's imbecile seclusion from affairs. Not more, it would seem,

<sup>1</sup> The Committees of the House for conducting the successive controversies with the Governor uniformly comprise the names of the eminent patriots Otis, Adams, and Hawley, in all of whom, perhaps, the hostility to Hutchinson for his public delinquencies was quickened by personal disgust. Otis's relations for many years past to the Governor and Lieutenant-Governor are recorded in the preceding pages. The fortune of Adams's father and his own had suffered from the action of Hutchinson in respect

to the frustrated Land Bank and the substitution of solid money for paper. (Wells, *Life of S. Adams*, I. 28.) Hutchinson imagined that he had given Hawley some offence in Court. (Hutch., *Hist.*, III. 175.)

<sup>2</sup> In this Court the House raised "a Committee to bring in a bill for the more effectually preventing Stage Plays, and other Theatrical Entertainments;" but I believe nothing came of it. (*Journal of the House for June 6; comp. Journal for May 31, 1768.*)

in the prosecution of a deliberate plan than under the provocation of a taunt,<sup>1</sup> his mercurial Chancellor of the Exchequer, Charles Townshend,<sup>2</sup> prevailed on Parliament to set America again in a flame. He obtained the passing of an Act imposing duties on paper, glass, painters' colors, and tea imported into the Colonies.<sup>3</sup> There was a hope that the distinction, generally admitted hitherto in America, between internal taxation and regulations of commerce, would protect this measure against the resistance which had assailed the Stamp Act. But, as if on purpose to relinquish for the Ministry the benefit of this distinction, and relieve the colonial statesmen from the effects of their imprudence in formerly making it prominent, the preamble of the Act asserted its purpose to be to make "a more certain and adequate provision for defraying the charge of the administration of justice and the support of civil government in such Provinces where it shall be found necessary, and towards further defraying the expenses of defending, protecting, and securing the said dominions;" and by one section the Crown was authorized to establish salaries, pensions, and other allowances in its North American possessions; while, by another, provision was made that money collected in the provincial custom-houses, and not required

<sup>1</sup> "He [George Grenville] turned to the Ministers. 'You are cowards,' he said; 'you are afraid of the Americans: you dare not tax America.' He repeated the taunt, and it had its intended effect. The fiery temper of Townshend was kindled. 'Fear?' he said, 'cowards? dare not tax America? I dare tax America.' Grenville stood silent for a moment, and then said: 'Dare you tax America? I wish to God I could see it.' Townshend replied, 'I will; I will.'" (Cooke, *History of Party*, III. 91-93; comp. Russell, *Life of Fox*, I. 53, 54; Walpole's *George the Third*, II. 447-

449; III. 28-40; Russell, *Correspondence of Fox*, I. 118, 119; Albemarle, *Memoirs of Rockingham*, II. 75; *Correspondence of the Earl of Chatham*, III. 184-186, 203, notes, 233-235, note.)

<sup>2</sup> "He was the delight and ornament of this House, and the charm of every private society which he honored with his presence," &c. (Burke on American Taxation, in *Works*, I. 579.) Burke goes on to recount the course and causes of Townshend's unfortunate action at this time.

<sup>3</sup> George III., Anno 7, cap. 46; comp. Hansard, XVI. 375, 376.

by the provincial civil list, should be subject to the disposal of the home government for the benefit of the Colonies; and by yet another, that general Writs of Assistance should be granted, as formerly, by the superior courts of justice. The new duties were to become payable, "in sterling money of Great Britain," in the fifth month after the enactment; and just before the time arrived, three Commissioners came to Boston, clothed by another Act<sup>1</sup> with powers supposed to be adequate to secure the collection of the duties.

By this express recurrence of the British Ministry to the policy of usurpation, or until it should be again retracted and retraced, the prospect of friendly relations between them and the scorned and injured Americans was greatly obscured.

The objections to Mr. Townshend's new revenue law were perceived to be the same as those which had been urged with such success against the Stamp Act.<sup>2</sup> The appropriate way of opposing it appeared to be to abstain from the importation of the kinds of goods designated, thus preventing a revenue from them, and to extend the arrangement to all other commodities brought from England, thus interesting the English merchants and manufacturers for a repeal of the obnoxious law. At a town meeting held in Boston, a vote was passed

1767.  
Oct. unanimously in the following words: "Whereas the exclusive use of Foreign Superfluities is the chief

<sup>1</sup> George III., Anno 7, cap. 41.

<sup>2</sup> Townshend's Act was more objectionable than Grenville's Stamp Act in this respect, that the avails of Grenville's Act were to go into the imperial treasury, and there be subject to the disposition of Parliament, while those of Townshend's Act were to remain in America, to "be applied, in the first place, . . . in making a more certain and adequate provision

for the charge of the administration of justice, and the support of civil government, in such of the said Colonies and Plantations where it shall be found necessary. . . ." (Section 4.)

Hutchinson understood (Hist., III. 180) that this Act gave the Commissioners like powers to those of the Commissioners in England.

cause of the present distressed state of this Town, as it is thereby drained of its Money, which Misfortune is like to be increased by means of the late additional burthens and impositions on the Trade of this Province which threaten the Country with poverty and ruin, therefore Voted, that this Town will take all prudent and legal Measures to encourage the produce and Manufactures of this Province, and to lessen the use of Superfluities and particularly the following enumerated articles imported from abroad, viz.: Loaf Sugar, Cordage, Anchors (and many other articles);” and it was further voted unanimously to accept the Report of a Committee appointed to prepare a Form of Subscription, which proposed the following language: “We therefore the Subscribers . . . . do Promise and Engage to and with each other that we will encourage the use and consumption of all Articles Manufactured in any of the British American Colonies, and more especially in this Province, and that we will not from and after the 31st of December next ensuing, purchase any of the following Articles imported from abroad.” And committees were appointed to obtain written engagements from the merchants and others to this effect, to give information to other towns of what was doing, and to petition the General Court for some corresponding action.

Before the next session of the Court, tidings had been brought of two events of interest to the Colonies. 1767.  
One of them was the sudden death of Mr. Town- Sept. 4.  
shend, closing a career which had seemed destined to be brilliant. By the favor of the Duke of Grafton, the nominal head of the Ministry, Townshend was succeeded as Chancellor of the Exchequer by the Earl of Guilford’s eldest son, Frederick Lord North, who, first in that office and afterwards as prime minister, was to conduct the conflict of England with America for fifteen years. The other event was the institution of a Colonial Department, to take the place of the old Board of Trade, under the man-

agement of a third Secretary of State.<sup>1</sup> The place this created was given to the Earl of Hillsborough. Since the formation of the Ministry of the Duke of Grafton, the Colonies had been the charge of Lord Shelburne, as Secretary for the Southern Department. After a long recess, the General Court met, at the end of the year.

Dec. The Governor had refused the request of the town meeting in Boston to convoke it earlier. His speech, on meeting it, touched no topic which provoked altercation ; and as far as the Journal indicates, the Representatives

1768. passed the first three weeks of their session in  
Jan. business of routine, except that they addressed to De Berdt, the agent in London, and to Lord Shelburne, whose relation to them they did not yet know to have ceased, elaborate arguments in maintenance of their right to be exempt from taxation by Parliament, which right they represented as being infringed by the recent parliamentary action as truly as it had been by the Stamp Act. These letters, marked by high ability and by great moderation of tone and language, were the productions of a committee (of which Otis, Adams, Hawley, and Hancock, as usual in measures of importance, were members) appointed, on the first day of the session, "to take under consideration the state of the Province."<sup>2</sup> At the motion

<sup>1</sup> This arrangement was probably more or less due to the judicious advice of Governor Pownall in his treatise on the "Administration of the Colonies" (pp. 12 *et seq.*; comp. Grenville Papers, III. 294).

<sup>2</sup> Journals of the House for December 30, January 11, 13. The letters to De Berdt and Lord Shelburne are at pages 3 and 25 of the Appendix to the Journal of this session. (Comp. Bradford's State Papers, 124, 137.)

"The first eighteen days were spent in preparing remonstrances against the Act for imposing new duties and directing the application

of them for the support of the administration of justice and the government. . . . As soon as the Assembly met, the House . . . appointed a committee to consider the state of the Province, and report. This committee reported a letter to Mr. De Berdt, their agent, and another to your Lordship. These being very long, they took many days' consideration, in which many offensive passages were struck out. . . . The House, from the time of the opening of the session to this day, has shown their disposition to avoid all dispute with me. . . . I have a fair

of the same committee, they addressed a petition to the King, beseeching him for like reasons "to take their present unhappy circumstances under his royal consideration, and afford them relief in such manner as in his Majesty's great wisdom and clemency should seem meet."<sup>1</sup> And they sent letters to Lord Rockingham, Lord Chancellor Camden, Lord Chatham, and Secretary Conway, presenting their case to those statesmen, respectively, with arguments adapted to the positions which they had taken, and such as seemed likeliest to satisfy them and engage their support.

The Governor caused to be read to the House a letter received by him from Lord Shelburne, in which that minister expressed his disapprobation of the Court's recent election of Counsellors,<sup>2</sup> and of the exclusion of the Lieutenant-Governor from that Board. The House desired him to furnish them with a copy of it, and of "his own several letters to which it referred." He sent them a transcript of the Earl's letter, upon condition that "no other copy should be taken thereof," and replied to the other demand, "I know of no letters of my own which I think can be of any use to you." The House sent him a message in which they complained of him for withholding those letters on which it was plain to them that the Minister's displeasure must have been founded, and thus that good understanding with the government obstructed which the Governor had been ostentatiously professing his desire to promote. The message, containing extracts from Lord Shelburne's letter, appearing in the newspapers, but without, as the House averred, any authority given on its part, the Governor

1768.  
Feb.

prospect of having, in all other business, nothing but good to say of the proceedings of this House; I mean, so far as their disposition has hitherto appeared." (Letter of Bernard to Lord Shelburne, of Jan. 21, 1768.)

<sup>1</sup> Journal of the House; Appendix to ditto, 1; Bradford, State Papers, 121.

<sup>2</sup> Appendix to Journal of the House, 34; comp. Bradford, State Papers, 117.

withdrew his stipulation against copies being taken, and the House addressed a letter to Lord Shelburne<sup>1</sup> in vindication of that conduct of theirs which had incurred his disapprobation. Of this they offered a copy to the Governor, "when he shall desire it," at the same time repeating that application for his own letters which he had denied, and which proved equally fruitless on the repetition.

But there was a more important proceeding of this Court. The House came to a Resolve to "con-  
<sup>1768.</sup> <sup>Jan.</sup> sider the expediency of writing to the Assemblies of the other Colonies on this continent, with respect to the  
<sup>Feb.</sup> importance of their joining with this House in petitioning his Majesty at this time." After a fortnight, a committee was "appointed to prepare a letter to be transmitted to the several Houses of Representatives and Burgesses on the Continent, to inform them of the measures which this House have taken with regard to the difficulties they are apprehensive will arise from the operation of several Acts of Parliament for levying duties and taxes on the American Colonies." The committee (of which Otis, Adams, and Hawley were members) reported the form of a Circular Letter, which the Speaker<sup>2</sup> was directed to sign and forward; and a committee was raised to inform the Governor that, "if he should desire it, a copy of the letter would be laid before him as soon as it could be drafted, as well as of all the proceedings of the House relative to said affair." The momentous character of this transaction will appear hereafter.

The Circular Letter, after expressing the hope entertained by the House that it would "be candidly considered in no other light than as expressing a disposition freely to communicate their mind to a sister Colony upon a common concern," went on with a recital of the representa-

<sup>1</sup> Journal of the House; Appendix to ditto, 23.

<sup>2</sup> Bradford, State Papers, 134; Appendix to Journal of the House, 20-23.



tions which had been made to the Ministry ; as that the King's American subjects had "an equitable claim to the full enjoyment of the fundamental rules of the British Constitution," one of which was "that what a man hath honestly acquired is absolutely his own, which he may freely give, but cannot be taken from him without his consent ;" that this right was infringed by the late Act of Parliament, "imposing duties on this Province, for the sole and express purpose of raising a revenue ;" that "a subordinate legislative" had been established in the Provinces, because an equal provincial representation in the imperial Parliament was, and would "forever be, impracticable ;" that, apart from these decisive considerations, "it would be beyond the rules of equity that their constituents should be taxed on the manufactures of Great Britain here, in addition to the duties they paid for them in England, and other advantages arising to Great Britain from the Acts of Trade ;" and that it was not consistent with their freedom, that, while their Governor was appointed by the Crown, he, as well as their judges, subject to removal at pleasure, should receive "such a stipend as the Crown should judge proper, without the consent of the people and at their expense." The House made to the other Assemblies no proposal for any action, except "to point out to them anything further that might be thought necessary." Whatever measures might be contemplated as consequent upon the circulation of this paper, nothing could be more innocuous than it was in its terms. In his speech to the Court on 1768.  
proroguing it, the Governor commented, with an March.  
acerbity hitherto unprecedented, on the conduct of the House, especially in relation to "the extraordinary and indecent observations which had been made upon the Secretary of State's letter." To the Council he thought different language due. "I return you thanks," he said to that Board, "for your steady, uniform, and patriotic

conduct during this whole session, which has shown you impressed with a full sense of your duty both to your King and to your country.”<sup>1</sup>

At the beginning of the spring session, the Governor disallowed a portion of the Counsellors elected by the Court. The number rejected by him this year was six, one of whom was James Otis. This proceeding had been usual with him of late, and led to no remonstrance on the other part. The flood-gate of discord was opened when  
 1768. the Governor made a communication in which he  
 June. wasted no words. “I have his Majesty’s orders,” he said in a message to the House, “to make a Requisition to you, which I communicate in the very words

<sup>1</sup> Journal for March 4; Bradford, State Papers, 120.

As late as January 30, the Governor had seen cause to write to Lord Shelburne of the “good disposition” of the House “to a reconciliation to government, of which they have given good proof since the day of my former letter. They have acted in all things . . . with temper and moderation; they have avoided some subjects of dispute, and have laid a foundation for removing some causes of former altercations.” He says that when first the proposal of the Circular Letter to the other governments was introduced, it “was strongly opposed and fully debated. It was said by the opposers of the motion that this would be considered at home as appointing another Congress, and perhaps the former was not yet forgot. Upon the close of the debate it was carried in the negative by at least two to one. No one transaction in the House has given me so great hopes,” &c. (Letter of Bernard to Lord Shelburne.) Nothing of this is to be gathered from the Journal. In a subsequent letter the Governor corrects himself. “I was too hasty in my approbation of the conduct of

the House. This was too great a point to be given up. The party therefore resolved to make another effort, and . . . moved that all the former proceedings upon this business should be obliterated out of the Journal. . . . A letter was presently reported and agreed to.” (Letter of Bernard to Shelburne of February 18.)

The Governor revived the question of an increase of the garrison of Fort Pownall at this session, and the House partly acceded to his wish. (Journal for January 29 and February 15; comp. Journal for June 28, 29.) The House adopted Resolves “for the Encouragement of Manufactures” by a vote of eighty against the single Nay of Timothy Ruggles. (Journal for February 25.) The Governor complained to the House of a libellous publication in the “Boston Gazette.” The House, in reply, affirmed their respect for the liberty of the press, and their judgment that the question whether in this instance it had been abused would be best adjudged “in the common course of the law.” (Journal for March 1, 2, 3.)

in which I received it. I must desire you to take it into immediate consideration, and I assure you that your resolution thereon will have most important consequences to the Province. I am myself merely ministerial in this business, having received his Majesty's instruction for all I have to do in it. I heartily wish that you may see how forcible the expediency of your giving this testimonial of your duty and submission is at this time. If you should think otherwise, I must nevertheless do my duty."

He referred thus to a letter of the Earl of Hillsborough, communicated by him at the same time, in which that Minister, after severely upbraiding the unexpected caprice by which "their House, at the end of the session, should have presumed to revert to, and resolve upon, a measure of so inflammatory a nature as that of writing to the other Colonies on the subject of their intended representations against some late Acts of Parliament," went on to announce it as "the King's pleasure that, so soon as the General Court should be again assembled at the time prescribed by the charter, the Governor should require of the House of Representatives, in his Majesty's name, to rescind the Resolutions which gave birth to the Circular Letter from the Speaker, and to declare their disapprobation of, and dissent to, that rash and hasty proceeding." In a part of the letter not yet communicated, Lord Hillsborough added: "If the new Assembly should refuse to comply with his Majesty's reasonable expectation, it is the King's pleasure that you should immediately dissolve them, and transmit to me, to be laid before his Majesty, an account of their proceedings thereupon, to the end that his Majesty may, if he thinks fit, lay the whole matter before his Parliament."

The next day after the Governor's message, the House referred it to a committee of nine members, among whom were Mr. Cushing, the Otises, father and son, Samuel Adams, and John Hancock. At its instance the House

made an application to the Governor for copies of letters which had passed between him and Lord Hillsborough. The extract last cited above he now furnished. With respect to the others he replied: "As to the letter of the Earl of Hillsborough which I communicated to the Council, I must beg leave to be the proper judge of the time and occasion of communicating any papers which I receive to the Council or the House. If I had then thought it expedient to lay it before the House, I should have then done it; when I shall think it so, I shall do it. As to your request of copies of my letters to the Secretary of State, you may assure yourselves that I shall never make public my letters to his Majesty's ministers but upon my own motion and for my own reasons."

After waiting only four days, he quickened the Representatives by another message. They replied by asking for a recess to give them opportunity to consult their constituents. He told them, the same day, that they could have no recess till he had received their "answer to his Majesty's requisition." The next day their answer came to him. The House, after clearing their gallery, informing the Council that they were "entering on a debate of importance" in which they desired not to be interrupted, and ordering that no member should be called out of the House, and no messenger be admitted till further order, determined, by a majority of ninety-two votes over seventeen, that they would not "rescind the Resolution of the last House which gave birth to their Circular Letter." The same day the House sent to the Governor a full vindication of their conduct, in a message which had been prepared by their committee, and appointed a committee "to prepare and report a humble, dutiful, and loyal petition to the King, praying that his Majesty would be graciously pleased to remove his Excellency, Francis Bernard, Esq., from the Government of this Province. . . ." The Governor had no sooner

received the message of the Representatives than he sent the Secretary to summon them to the Council Chamber, and prorogued the Court.<sup>1</sup> The proro-  
1768.  
June.  
 gation was immediately followed by a dissolution, so that he did not meet this Court again.

In their message the Representatives said that they had "most diligently revised, not only the Resolution [which they were required to rescind], but also the Circular Letter written and sent in consequence thereof," and found both "to be conceived in terms not only prudent and moderate in themselves, but respectful to the authority of that truly august body the Parliament of Great Britain, and very dutiful and loyal in regard to his Majesty's sacred person, crown, and dignity." But if they had been of a different opinion, there would have been no propriety in requiring them "to rescind a Resolution of a former House of Representatives, when it was evident that that Resolution had no existence but as a mere historical fact." It was, "to speak in the language of the common law, not now 'executory,' but, to all intents and purposes, 'executed.' The Circulars had been sent, and many of them had been answered."<sup>2</sup> And reverting to

<sup>1</sup> Journal of the House; comp. Bradford, State Papers, 145-156. — On their last day of business the Representatives accepted a Report from their Committee of a letter to Lord Hillsborough. Therein they exposed, as to the Governor, the unreasonableness of requiring "of this House to rescind a Resolution of a former House, upon pain of forfeiting their existence;" testified to the universal sense, entertained in the Colonies, of the injustice and oppressiveness of "the several Acts of the British Parliament which impose duties and taxes on the Colonies, not for the purpose of regulating the trade, but with the sole intention of raising a revenue;" defended the action of the last House in acquainting

the sister Colonies with the efforts made by them for redress; remonstrated against the attempts which had been made "to impress the royal mind with a jealousy of his faithful subjects;" and especially complained of the Governor for his baleful agency of this kind. And in reply to his charge of management in carrying the Resolve in respect to the Circular Letter, they show, by a detailed narrative of the progress of that measure, the intelligence, deliberation, and openness with which it had been weighed. (Journal of the House for June 30, 1768; Appendix to ditto, 1; Bradford, State Papers, 151.)

<sup>2</sup> Comp. Letter of Whately to George Grenville, in Grenville Papers, IV. 352.

the urgent occasion for that measure of their predecessors of which they declared their approval, they said: "We take this opportunity faithfully and firmly to represent to your Excellency that the new revenue acts and measures . . . . in every way are deemed an insupportable burthen and grievance."

Mr. Charles Townshend, as has been seen, had hoped to obtain the acquiescence of the Colonies in his recent legislation by reason of the distinction which they had been accustomed to urge between regulations of commerce and impositions for revenue. His measure unavoidably revived the momentous practical questions, hitherto only superficially treated, respecting the soundness of this distinction and the extent to which it was applicable. Mr. Townshend had relinquished the benefit of it for his Act when he announced it in the Preamble to be an Act for the collection of revenue; and its several provisions expressed this purpose so plainly as to leave no room for misapprehension. Still, as the money which it called for was to be collected by custom-house officers in the form of duties on imported goods, the public mind was liable to some confusion as to the consistency of a condemnation of the Act as unconstitutional and wrongful, with the acknowledgments which had been repeatedly made of the legitimacy of commercial regulations. In the discussion now provoked, the obscurity was cleared away; and by the time when the Circular was sent out, there had come to be a general conviction that Mr. Townshend's Act was liable to precisely the same objections as had been urged against the Stamp Act, and was equally intolerable when tried by the same tests. This doctrine was most effectively expounded in the widely circulated work of John Dickinson, published in the spring of this year, under the title "Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies;" and thenceforward there was almost

no difference of opinion respecting it in the patriot party.<sup>1</sup>

The most noisy popular excitement of the day was directed against the Revenue Commissioners who had come over from England. The action of these Commissioners in suppressing irregular trade could not fail, even when most unexceptionable in point of law, to interfere with the gains of all persons connected with commerce; and the displeasure justly felt against the vexatious law which had recently been enacted, was naturally transferred in the popular mind to the individuals whose special office it was understood to be to take care of its enforcement. The Governor wrote to Lord Shelburne of reports which had come to him "of insurrections intended, in which it had been said the houses of one or more of the Commissioners and their officers would be pulled down;" and he described as within his own knowledge turbulent parades before their houses and his own, and indignities offered to their persons. He complained that his representations of these "made no im-

<sup>1</sup> "Every one of the most material arguments against the legality of the Stamp Act operates with equal force against the Act now objected to." (Farmer's Letters, 31.) The "Farmer's Letters," twelve in number, were, I believe, published weekly in the "Pennsylvania Chronicle," the first letter in December, 1767. They were reprinted in other newspapers, and when the series was closed, were immediately collected in a volume, which went through several editions. "The merchants here have lately had a meeting, and have fixed upon certain measures for stopping the further importation of English goods. . . . These Resolutions have been forwarded to the other governments as far as Philadelphia, and very favorable accounts received. . . . They have been signed here by all the principal importers. . . . I re-

fer you to a pamphlet, which I have sent you by the master of this vessel, called the 'Farmer's Letters.'" (Letter of William Palfrey to George Hayley, merchant and alderman of London, April 14, 1768) "The merchants here, in order to conform to New York and Philadelphia, have altered their Resolutions in respect to stopping the importation of goods. This salutary regulation is not to take place till the first of October next, and to be binding till the present grievous restrictions are taken off our trade." (Palfrey to Hayley, of May 12. William Palfrey, who afterwards was successively aide-de-camp to General Charles Lee and to General Washington, and Paymaster-General to the Forces, was at this time a merchant of Boston, twenty-six years old.)



pression upon the Council; they persevered in treating the affair as of no consequence, and assuring me that there was no danger of any commotion." He wrote: "I am asked why I don't apply for troops, as well to support the King's government as to protect the persons of his officers. I answer, 'Because I don't think it proper or prudent to make such application upon my own opinion only.'"<sup>1</sup> This was a great point with him. He could not prevail upon the Council to advise him to apply for troops; and without their advice he conceived that it would be irregular and hazardous for him to make that application, the King's Governors being "directed to take the advice of the Council in military movements."

He had before long occasion to report a transaction more significant of the perilous position of the  
 1768. Commissioners. A vessel laden with wine for  
 June. John Hancock and others came into Boston harbor, and a revenue officer went on board. The master expected to proceed as he may have often done before, and to have his freight landed on the wharf, while the representative of the King's claim was entertained in the cabin. The Commissioners had determined to put a stop to such irregularities, and their officer had other orders accordingly, but he was prevented from carrying them out by being confined by the ship's people till more or

<sup>1</sup> Letters of Bernard to Shelburne, March 19, and to Hillsborough, July 30. — "On the 2d of July I received a letter from General Gage, with two packets for Colonel Dalrymple at Halifax inclosed, informing me that he had received an account of the tumults at Boston, and had sent an order to the Commanding Officer at Halifax for troops, if they were wanted at Boston. I sent both letters away, and wrote to General Gage setting forth the reasons why I could not apply for troops, but that I had

sent the letters forward; for though I thought it improper for me to require troops, it was full as improper for me to prevent their coming, if they were otherwise ordered. . . . Perhaps, if no great mischief is done in the mean time, it may be much better for them to be ordered from England than to be brought here by the order or requisition of any one in America, as they will be introduced in a manner much more authoritative." (Letter of July 30.)

less of the cargo was put on shore. The officers of the revenue seized the vessel, on the charge that the entry made at the custom-house was false, as not representing all the property,<sup>1</sup> and at their desire the vessel was anchored under the guns of a man-of-war. A mob assaulted and beat some of the revenue officers,<sup>2</sup> broke

<sup>1</sup> "The Commissioners prosecuted the supposed owner [John Hancock], and each person they imagined concerned in unloading the wines, for the value of the whole cargo and triple damages. The vessel seized was restored after a long detention, and the suits in the Court of Admiralty dropped, March 26, 1769, by a declaration from the King's Advocate, that his Majesty would prosecute no farther." (Gordon, History of the American Revolution, I. 240.) Gordon was not the most accurate of historians. But he was an honest man, and I quote him mostly for contemporary facts, respecting which he had good opportunities for information.

<sup>2</sup> By way of extenuation of the attacks on the revenue officers, it was alleged that they had irritated the people by an illegal proceeding in seizing the vessel after night-fall, whereas the Writ of Assistance, by force of which they acted, authorized officers to enter "in the daytime only." "They were attacked by a mob with clubs, stones, and brick-bats. Mr. Harrison, the Collector, was much bruised, particularly in the breast, but kept his legs so as to escape through an alley. Mr. Hallowell, the Comptroller, was knocked down, and left on the ground covered with blood. He has many wounds and bruises, but none dangerous to life. Mr. Harrison's son, a young gentleman not in any office, who accompanied his father, was knocked down and dragged by the hair of his head, and would have been killed if he had not been got into a house by

some standers-by. In another part of the town, Mr. Irvine, under the Board of Commissioners, was attacked by another mob, very much beat and abused." (Letter of Bernard to Hillsborough, June 11; comp. Letter of Whately to Grenville of August 24, in Grenville Papers, IV. 353, 354.)

"We are now in the greatest confusion imaginable. The Commissioners this morning have sent their baggage on board the Man-of-war, frightened at their own shadows. Everything seems to tend to disorder. Where it will end I know not, but imagine there will be bloodshed before it is over. You can't think how we are treated by those Bashaws; our Coasters, nay, our Fishing and Pleasure boats, are disturbed, fired at, and threatened; men pressed in a time of profound peace in a manner never practised in the heat of war. In short, they are doing all in their power to irritate the people and provoke them to some resolute measures which may serve as a pretence to rivet a standing army upon us." (Letter of William Palfrey to William Holt of Virginia, June 13; comp. Journal of the House for June 6.)

"If the boat had been burned before the repeal of the Stamp Act, I know not how I should have voted. To be sure, it ought to have made no difference; but nobody can quite command their resentments. . . . It is a very melancholy story. I am afraid these same colonists are above our hands, and I am almost ready to think that Grenville's Act brought on a crisis twenty, or possibly fifty,

the windows of the houses of three of them, and, seizing the Collector's "pleasure boat," dragged it in a procession through the streets, and made a bonfire of it on the Common. The Commissioners, professing to be alarmed for their lives, went first on board the ship of war, and then to the Castle.<sup>1</sup>

years sooner than was necessary." (Sir George Savile to Lord Rockingham, of July 31, 1768, in Albemarle's Rockingham, II. 75; comp. 76-81.) — "I have never yet discovered the least view to that service ['the real interest of the revenue'] in all our deliberations [the deliberations of the Commissioners]. They have appeared to me to flow rather from an anxious desire of lighting up a war between these Colonies and their mother country; and no means seem to have been left unattempted (by some of the principal servants of the Crown) that might effect it." (Letter of Sir John Temple, a Commissioner of the Customs in Boston, to Mr. Grenville, of November 7, in the Grenville Papers, IV. 396.)

<sup>1</sup> A curious correspondence began at this time between a sort of club in Boston, who, adopting a phrase which had become popular from Colonel Barré's famous speech, called themselves "Sons of Liberty," and John Wilkes, who had lately returned from the Continent to England, and been committed to the King's Bench Prison, and been elected to the House of Commons for Middlesex. William Palfrey was a member of the Society, and, like the rest, was for the time infatuated with Wilkes. June 7 he wrote to his commercial friend, Mr. Hayley, in London: "I have taken the liberty to enclose you a letter of congratulation to John Wilkes, Esq., from a number of gentlemen in this place, who have the warmest affection for Mr. Wilkes, and the most sincere attachment to the glorious cause in which he is now

engaged, — to that cause which he has with so much fortitude maintained against the whole force of ministerial influence. May he live to see all his Majesty's subjects enjoying the fruits of his labor in the blessings of peace and liberty." The letter to Wilkes was as follows: —

ILLUSTRIOUS PATRIOT, — The friends of Liberty, Wilkes, Peace and good order, to the number of forty-five [this was an allusion to the famous Number of the North Briton, which occasioned Wilkes's prosecution] or upwards, assembled at the Whig Tavern, Boston, New-England, take this first opportunity to congratulate your Country, the British Colonies, and yourself, on your happy return to the land worthy such an Inhabitant, — worthy! as they have lately manifested an incontestable proof of virtue in the honorable and most important trust reposed in you by the County of Middlesex.

May you convince Great Britain and Ireland in Europe, the British Colonies, Islands, and Plantations in America, that you are one of those incorruptibly *honest men* reserved by Heaven to bless and perhaps save a tottering Empire; that Majesty can never be secure but in the arms of a brave, a virtuous, and a united people; that nothing but a common interest and absolute confidence in an impartial and general protection can combine so many millions of Men, born to make laws for themselves, conscious and invincibly tenacious of their rights.

That the British Constitution still exists, is our glory; feeble and infirm as it is, we cannot, we will not, despair of it. To a Wilkes much is already due for his strenuous efforts to preserve it. Those generous and inflexible principles which have rendered you so greatly eminent, support our claim to your favor

Such was the way of proceeding of one class of the ill-treated and angry people. A different way, at once less exceptionable and more effectual, was taken by another class. Many of the traders — first of Boston, then of other ports — agreed together, in writing, that, in the year soon to begin, they would import no merchandise from England except certain specified articles of urgent necessity, and particularly that they would receive, neither from any other Colony nor from Great Britain, any of the commodities made liable to duties under the recent law.<sup>1</sup>

and esteem. To vindicate Americans is, not to desert yourself.

Permit us, therefore, much respected Sir, to express our confidence in your approved abilities and steady Patriotism. Your Country, the British Empire, and unborn millions plead an exertion at this alarming Crisis. Your perseverance in the *good old cause* may still prevent the great system from dashing to pieces. 'Tis from your endeavors we hope for a royal "Pascite, ut ante, boves;" and from our attachment to "peace and good order" we wait for a constitutional redress: being determined that the King of Great Britain shall have Subjects, but not slaves, in these remote parts of his Dominions.

We humbly present you the "Farmer;" his sentiments are ours.

If we may dare lisp a wish to be indulged with a line from you, a direction to John Marston, Esq<sup>r</sup>, at the Whig Tavern, Merchants Row, Boston, would assuredly reach the hands of, worthy Sir,

Your most faithful and obedient  
Humble Servants,

THE SONS OF LIBERTY IN THE  
TOWN OF BOSTON.

Boston, 6th June, 1768.

Wilkes answered this letter, dating from his prison on the following July 19; and further correspondence followed, of which any one who is sufficiently curious may see an account in the "Life of William Palfrey," in Sparks's "American Biography," XVII. 352 *et seq.*

<sup>1</sup> "For above a week past there has been agitated, among the merchants of this town, a subscription against importing English goods. . . . It was last night reported at their third meeting . . . that there were forty who would not subscribe, but would observe the restriction, and thirty-five who would neither subscribe nor observe. The latter, I suppose, are to be brought to reason by mob law; otherwise thirty-five importers only will defeat the scheme. There was the like subscription set about at the beginning of March last. . . . That was defeated by the merchants of Philadelphia refusing to concur in the measure, and the merchants of New York thereupon declining it also." (Letter of Bernard to Hillsborough, of August 9; comp. Boston Gazette and Evening Post, of Aug. 14, 1769.)

The following, taken from a pamphlet of over a hundred pages by John Mein, entitled "A State of the Importation from Great Britain into the Port of Boston from the beginning of January, 1769, to Aug. 17, 1769," &c., p. 1, is the text of "the agreement entered into by the merchants and traders" of Boston at this time: —

"We the subscribers, in order to relieve the trade under those discouragements [specified in the preamble], to pro-

Three days after the tumult which has been described,  
 1768. a town meeting was held by the citizens of Bos-  
 June. ton, which directed an Address to be sent to the Governor, complaining that their "navigation was obstructed, upon which alone depended their whole support," congratulating themselves that the Commissioners had, by their withdrawal from the town, relinquished the exercise of their commission, which it was hoped they would never resume; and praying the Governor to "issue his immediate order to the commander of his Majesty's ship Romney to remove from this harbor," that officer being responsible for the proceedings by which they described themselves as being "invaded with an armed force, seizing, impressing, and imprisoning the persons of their fellow-subjects."

In a paper of instructions to the Representatives of their town in the General Court, they expressed the vehement and growing indignation which prevailed against what now seemed the deliberate purpose of the British Government to extort contributions from the colonists. "Several armed vessels," they complained, "and among the rest his Majesty's ship-of-war the Romney, have appeared in our harbor, and the last, as we believe, by the express application of the Board of Commissioners,

mote industry, frugality, and economy, and to discourage luxury and every kind of extravagance, do promise and engage to and with each other as follows:—

"*First*, That we will not send for or import from Great Britain, either upon our own account, or upon commission, this fall, any other goods than what are already ordered for the fall supply.

"*Secondly*, That we will not send for or import any kind of goods or merchandise from Great Britain, either on our own account, or on commissions, or any otherwise, from the 1st of January, 1769, to the 1st of January, 1770. Except Salt, Coals, Fish-hooks, Lines, Hemp, Duck, Bar-Lead, Shot, Wool-Cards, and Card-Wire.

"*Thirdly*, That we will not purchase

of any factor, or others, any kinds of goods imported from Great Britain, from January, 1769, to January, 1770.

"*Fourthly*, That we will not import, on our own account, or on commission, or purchase of any who shall import from any other Colony in America, from January, 1769, to January, 1770, any Tea, Glass, Paper, or other goods commonly imported from Great Britain.

"*Fifthly*, That we will not, from and after the 1st of January, 1769, import into this Province any Tea, Paper, Glass, or Painters' colors, until the act imposing duties on those articles shall be repealed.

"In witness whereof, we have hereunto set our hands, this first day of August, 1768."

with design to overawe and terrify the inhabitants of this town into base compliances and unlimited submission, has been anchored within a cable's length of the wharfs."<sup>1</sup> They earnestly urged the illegality of the impressment of American subjects into the King's ships. "We are continually alarmed," they said, "with rumors and reports of new revenue acts to be passed; . . . fresh arrival of ships-of-war; . . . and the arrival of a military force to dragoon us into passive obedience." And they charged their representatives to promote a parliamentary inquiry as to the truth of such rumors, and to "forward, in the House of Representatives, resolutions that every such person who shall solicit or promote the importation of troops at this time is an enemy to this town and Province, and a disturber of the peace and good order of both."

Before intelligence could reach England of the flight of the Commissioners to the Castle in Bos-  
ton harbor, the Minister had become so alarmed respect-  
ing the state of things in that town as to send instructions  
to New York to General Gage, Commander-in-Chief, to  
order one or two regiments from Halifax to Boston.  
Several months before, Commodore Hood, commanding  
the fleet at Halifax, had been directed to send forces  
whenever Bernard should call for them. But this, as  
has been seen, Bernard was not willing to take the re-  
sponsibility of doing without the Council's consent, which  
he could not obtain. An officer came to Boston to make  
arrangements for quartering the soldiers coming from  
Halifax. He made no secret of his business, and a new  
excitement followed. A town meeting was held  
in Boston, which sent a message to the Governor,  
inquiring what reasons he had to expect an arrival of

1768.

July.

Sept.

<sup>1</sup> Hutch., Hist., III. 489-491; comp. reference to the town's instruction of  
Journal of the House for June 18. in the day before to its Representatives.  
which almost the first business had



troops, and praying him to convoke a General Court, in order to such measures as the critical times required. He replied that he had no official information on the former subject, and that his instructions forbade him to convene the Legislature. Thereupon the town passed a series of Resolves, among which was one against "keeping a standing army in the town without the consent of the inhabitants in person or by their representatives;" and voted to invite all the towns of the Province to a convention, to be constituted in the same manner as the House was constituted under the Governor's writ.<sup>1</sup> It was further voted to invite the ministers of the town to set apart a day for fasting and prayer; and, in a half-facetious mood, in language not expected to deceive any one, the inhabitants were advised to provide themselves with fire-arms on account of "a prevailing apprehension in the minds of many of an approaching war with France."<sup>2</sup>

<sup>1</sup> This invitation was conveyed by the selectmen of Boston to the selectmen of the other towns of the Province in a Circular Letter, for which see Hutch., Hist., III. 492.

<sup>2</sup> In a letter to Lord Hillsborough, of September 16, the Governor gave a full account of the proceedings at this town meeting, with reflections and some embellishments. He said that, being apprehensive of an outbreak "if the troops from Halifax were to come here of a sudden," he "took an occasion to mention to one of the Council, in the way of discourse, that he had private advice that troops were ordered hither, but he had no public orders about it himself. This was on the 8th inst., and before night it was thoroughly circulated all over the town." And on the 11th the town meeting was held. For the impression made in England by the tidings of this "rebellion," see letters of Whately to Grenville,

of October 27 and 28, in Grenville Papers, IV. 389, 391. Bernard's hesitation about calling for troops brought on him reproach from Grenville's friends for pusillanimity and "low cunning."

Commodore Hood wrote to Grenville from Halifax, October 15: —

"Affairs in America by no means wear a pleasant complexion, but I hope and fully trust that peace and good order will be restored in no long time. God be praised, the troops are safe landed, and very critically too, as you will see by an extract of a letter sent to me, as well as by a short diary of Capt. Corner's. . . . By what I have related you will pretty plainly see how matters stand, and how little is to be expected from Governor Bernard. I have long and often lamented his timid conduct, and yet would not willingly bring on him more contempt than he must of course feel, when the dupli-



Representatives from ninety-six towns and eight districts came to Boston to the Convention thus summoned. The members organized themselves

1768.  
Sept.

city of his behavior is brought to light. . . . A governor of spirit and dignity, and who preferred the honor of his King and the interest of his country to his own *little* views, would have prevented almost the whole that has happened; and had Mr. Bernard taken courage to ask General Gage for the very troops now in Boston nine months ago, and which I have authority for believing openings were given him to do by the General, things would now have worn a very different complexion, and the Commissioners never have been forced to leave the town, but have been in a condition to carry on their business in peace and quietness. . . .

“His doubles and turnings have been so many, that he has altogether lost his road, and brought himself into great contempt. I cannot help mentioning one circumstance which has come to my knowledge as an officer. He frequently lamented to Captain Corner (whom I sent to Boston early in May, for the support of the King’s revenue) the distressed condition of Castle William, and was afraid of its being attacked, [of] which Captain Corner (knowing his man) took no notice. At last he spoke out, and said if he did not send his Marines to the Castle the populace would certainly take it. Captain Corner replied that he would not only send his Marines, but every man in the Romney in support of the Castle, if his Excellency would request it of him in a proper manner in writing; his orders from Commodore Hood enjoined him to it in the most express terms. To which Mr. Bernard answered: ‘I cannot do that, Captain Corner, but I will tell you what you must do. You must write me a letter; that the Marines on board

His Majesty’s ship under your command stand in need of being refreshed, and desire my permission for their being landed on Castle William Island, which I will grant.’ Captain Corner begged to be excused, and withdrew. In a few days after, he wrote Captain Corner a proper letter, and autedated it. I think this proves the man very clearly.

“I had a letter from him, dated the 27th of August, desiring I would grant him a ship to carry him to England, having the King’s leave to return. I was very sorry it was not in my power to comply with his request, for most certainly the sooner he is out of America, the better.”

The following is part of the extract from Corner’s Diary, referred to by Hood:—

“On the intention of a force being introduced into this Province being made public, a convention was formed, as I am told, in direct opposition to law. . . .

“At this period we arrived; the convention were planet-stricken, and this very favorable occasion I entreated the Governor to improve. It is beyond the power of my pen to paint anything so abject; far from being elated that the hands of Government were rendered so respectable, he deplored the arrival of letters that made his setting out improper, and with earnest looks he followed a ship that he had hired for his conveyance, and in which he declared his fixed intention of going the moment the troops arrived. His actions were entirely of a piece with his words, for, on a requisition for quarters, he declared himself without power or authority in his province. The Council assembled, and they declared they would find none. An express arriv-

like the House, and chose the Speaker for their presiding officer. The tone of their proceedings was inoffensive. They sent to the Governor a petition for a General Court, which he refused to receive, as coming from an unlawful assembly; and he sent them an order, which of course they disregarded, to disperse at once. On separating, after a satisfactory interchange of opinions, they published a manifesto, expressing loyal sentiments, setting forth with moderation the existing grievances, and advising the people to repress passionate resentments and avoid disorders. The chief use of the Convention seems to have been to show how easy it was to make a great political combination, capable of acting with something of the power of a General Court constitutionally assembled.

The deliberations of the Convention lasted a week. The day before its dissolution a fleet of transports arrived at Nantasket with nine hundred troops from Halifax.<sup>1</sup> The

1768. fleet came up to the town; and seven hundred  
Oct. men, with a parade of strength, with firelocks

ing from General Gage, gave me no room to hesitate; his information of the dangerous tendency of the people's intentions rendered an immediate landing necessary. All their bravadoes ended as may be imagined; the Governor prudentially retired to the country, and left me to take the whole on myself. I encamped the Twenty-ninth Regiment immediately; the Fourteenth remained without cover; by tolerable management I got possession of Faneuil Hall, the School of Liberty, from the Sons thereof, without force, and thereby secured all their arms; and I am much in fashion, visited by Otis, Hancock, Rowe, &c., who cry 'Pec-cavi,' and offer exertions for the public service, in hopes by this means to ruin the Governor by exposing his want of spirit and zeal for the public advantage. This I have endeavoured,

not without success, to turn to the use and advantage of the cause. We have had council after council, and nothing done; the service of the Crown is not much attended to; I spoke my sentiments, full as plain as pleasant.

"What turn matters will take I know not; but thus far, my good Sir, you may rest satisfied, that the arrival of the squadron was the most seasonable thing ever known, and that I am in possession of the town, and therefore nothing can be apprehended; had we not arrived so critically, the worst that could be apprehended must have happened." (Grenville Papers, IV. 374-378.)

<sup>1</sup> Comp. Letter of Commodore Hood to Earl Temple, of September 14, in Grenville Papers, IV. 362; Walpole's *George the Third*, III. 231.

charged and fixed bayonets, were marched to Boston Common. The Governor consulted the Council respecting the provision of quarters for these troops. The Council referred him to the selectmen of the town. The selectmen said it was no concern of theirs; and the Council, on a second appeal to them, gave their opinion in writing that a just interpretation of the Mutiny Act required no further provision of quarters where barracks already existed; and there was plenty of room for the soldiers in the barracks of Castle William. A portion of the soldiers, with some difficulty, obtained a shelter in Faneuil Hall; and the next day, by the Governor's permission, the rest took possession of the whole of the Town House except the Council Chamber. Thenceforward the Counsellors had to pass through the soldiers in going to their sessions. The building was flanked by two pieces of cannon, pointed down King Street. The day when the soldiers were marched into it was Sunday; and the pomp and circumstance and the loud martial music excited the defied church-goers, of both sexes and all ages, to twofold rage.

A few weeks later, in consequence of the representations<sup>1</sup> of the Commissioners of their expulsion from the town, a reinforcement consisting of detachments from two regiments arrived in Boston from Ireland. To prepare for their reception General Gage came from New York. At a conference with the Council to which the Governor invited him, it was agreed that a building which belonged to the Province, called the Manufactory House, should be vacated for the use of the troops. But the tenants maintained that the Governor and Council had no right to dispossess them, no less than an Act of the whole Legislature being requisite for that purpose. Their

1768.  
Nov.

<sup>1</sup> These representations were brought to London from the Commissioners by Mr. Hallowell, the Comptroller of Boston. (Letter of Bradshaw, Secretary to the Lords of the Treasury, to Pownall, July 22.)

resistance was so resolute that it was thought best not to press the question, and the General hired houses for the troops. This done, he returned to New York.

Parliament assembled the same month. Lord Chatham had lately retired from the Ministry, of which, though ostensibly the head, he had only for a short time been more than nominally a member. He had been offended by the removal of his friends Sir Jeffrey Amherst from the government of Virginia and Lord Shelburne from the office of Secretary of State. Lord North, the new Chancellor of the Exchequer, had, from the first of his appearance in public life, been hostile to the American claims. After the withdrawal of Lord Chatham, the Duke of Grafton was the actual Prime Minister.

The King's speech, at the opening of the session, expressed to Parliament the concern with which he had "seen that spirit of faction which he had hoped was well-nigh extinguished, breaking out afresh in some of his Colonies in North America; and in one of them proceeding even to acts of violence, and of resistance to the execution of the law. The capital town of which Colony appears," he said, "by late advices, to be in a state of disobedience to all law and government, and has proceeded to measures subversive of the constitution, and attended with circumstances that might manifest a disposition to throw off their dependence on Great Britain."<sup>1</sup> In reply, both Houses declared it to be "one of their most essential duties to maintain inviolate the supreme authority of the legislature of Great Britain over every part of the British Empire."<sup>2</sup> The papers from America having been produced, Lord Hillsborough, in the House  
1768. of Lords, moved eight Resolves, condemning cer-  
Dec. tain "proceedings of the House of Representatives of Massachusetts Bay, in the months of January and

<sup>1</sup> Hansard, Parliamentary History, XVI. 468, 469.

<sup>2</sup> Ibid., 471, 474.

February last," as "illegal, unconstitutional, and derogatory of the rights of the Crown and Parliament of Great Britain;" and the Circular Letter of the House to the other Colonies as "calculated to inflame the minds of his Majesty's subjects, . . . tending to create unlawful combinations, repugnant to the laws of Great Britain, and subversive of the Constitution." The third, fourth, and fifth Resolves denounced the recent acts of violence in Boston against the Commissioners, and declared that neither the Council of the Province nor the ordinary civil magistrates had properly exerted themselves to keep the peace, and that thus the presence of a military force had been made necessary. The sixth Resolve arraigned the proceedings of the town meetings at Boston, on the fourteenth of June and twelfth of September, as "illegal and unconstitutional, and calculated to excite sedition and insurrections;" and the proceedings of that and other towns in relation to the Convention as "daring insults offered to his Majesty's authority, and audacious usurpations of the powers of government." After long debates, the Resolves were adopted by both Houses, the votes for them in the House of Commons being 169 against 65. They were followed by an Address moved by the Duke of Bedford, praying the King to cause informations to be sent over of acts of "treason or misprision of treason," to the end that persons charged might be brought to England for trial under a statute of Henry the Eighth.<sup>1</sup> The King replied to the Address: "I shall not fail to give those orders which you recommend."<sup>2</sup> Governor Pownall, who in the debate had greatly distinguished himself by his arguments against the Resolutions and the Address, subse-

1769.  
Feb.

<sup>1</sup> Hansard, Parliamentary History, XVI. 479. While this debate was going on, Lord Trevor called the attention of Mr. Grenville to the letters, attributed to the Marquess of Montcalm, which have been men-

tioned above (p. 224). Mr. Grenville was impressed with their importance, and desired to have them shown to the King. (Grenville Papers, IV. 409-411.)

<sup>2</sup> Hansard, XVI. 511.

April. quently moved for a repeal of Mr. Townshend's Revenue Act, and spoke at length in support of his motion ; but on the ground that the expected rising of Parliament was too near to admit a sufficiently deliberate treatment of so important a question, it was referred to the next session.<sup>1</sup>

For the reason which has been explained, Governor Bernard did not call together his General Court this year, as usual, for a winter session. In the long vacation the Council took upon itself to lay before Parliament the grievances of the Colony. Their memorial was signed by Samuel Danforth as President. In the House  
 1769. of Commons objection was made to the reception  
 Jan. of it, on the ground that it " was not passed in a legal assembly of the Council of his Majesty's Province of Massachusetts Bay, and that no person was, or could be, authorized to sign the same as President of the Council." It was allowed to be read as a petition of Samuel Danforth and his associate Counsellors, but the House refused to consider it further. They disposed in the same way of a petition of Bollan, agent of the Colony, against a concurrence of the Commons with the Lords in the adoption of the Resolutions and Address.<sup>2</sup>

When intelligence as to how Parliament was engaged came to Boston, the selectmen of that town sent an Address to the Governor, representing the hardship of the presence there of land and sea forces, and desiring to be informed respecting the communications to the Ministry which had led to this severity on their part. He replied only that the occasions for the acts which had displeased

<sup>1</sup> Hansard, Parliamentary History, XVI. 611-622. Governor Pownall had also proposed some improvements of detail in the Act for Quartering Soldiers, which were mainly approved and adopted. (Ibid., 605, 606.)

<sup>2</sup> Ibid., 480-485. The memorial in

the most respectful language set forth the services of the Province, past and present, to Great Britain, and concluded with praying " that the several Acts of Parliament, made for the purpose of raising a revenue in America, be repealed."

them were of public notoriety. The citizens in town meeting complained of this unsatisfactory reply of his, in an Address to the King, in which they prayed that the Governor might be instructed to give them the information they had sought, and that they might be heard by counsel on such representations as had been made to their disadvantage. The Address was sent to Colonel Barré to be presented, but is not known to have reached the royal hands. When the final proceedings of Parliament became known, they were accounted less vigorous and formidable than had been feared. It was thought not improbable that at the next session the recent revenue Acts would be repealed. On the whole, the prospect of the future seemed less dark. But the presence of the ships and soldiers in Boston was a perpetual vexation and menace.

The sense of danger from the naval force was quickened by an incident peculiarly suited to excite a popular disgust. A vessel from Europe, going into Marblehead, was boarded from a British man-of-war, which was cruising in the bay under orders to impress seamen. The lieutenant in command of the boarding party was resisted by four seamen, and in a scuffle was struck dead by one of them with a harpoon. Being soon apprehended, they were arraigned, as the statute relating to piracy required, before a special court of vice-admiralty, which consisted in this case of the Governors of Massachusetts and New Hampshire, the officer in command of the naval forces on the station, and nine others, Crown officers in different capacities.<sup>1</sup> James Otis and John Adams, counsel for the prisoners, insisted that they had a right to a trial by jury, which the King's prosecutor denied; and under Hutchinson's advice, who says that he differed from Bernard, the question, after being once

1769.

April

<sup>1</sup> It was observed, as an act indicative of distrust of Massachusetts, that no one of her Counsellors was included in the commission.



differently disposed of, was finally decided against them. The sailors were acquitted by the Commissioners on the ground of having acted in justifiable self-defence, since, as appeared upon the trial, "neither the lieutenant nor any of his superior officers were authorized to impress by any warrant or special authority from the Lords of the Admiralty."<sup>1</sup> The verdict was satisfactory, but the irritation which the outrage had excited was scarcely soothed.

It was unavoidable, by the charter of Massachusetts, that a General Court should come together in the spring for the choice of the members of one branch. The Governor had no discretion allowing him to prolong the legislative vacation which had now lasted the unprecedented time of ten months.

The session was one of remarkably harmonious action in the Court, and remarkably strenuous action against the Governor. The troops had arrived since the dispersion of the last legislature. At the earliest possible moment, even before constituting themselves a House by the choice of a speaker or of a clerk, the new  
<sup>1769.</sup>  
<sup>May 31.</sup> Representatives sent a message to the Governor, complaining that "a standing army was now posted in this metropolis, and a military guard was kept with cannon pointed at the very door of the State House where this Assembly is held; . . . remonstrating to his Excellency that such armed force is a breach of privilege; and praying that he would give orders for the removal of the same out of the town during the session of the said Assembly." And they voted to enter on their Journal a Resolve that they proceeded "to take their part in the elections of the day from necessity," and that their doing so in the presence of a military force was "not to be considered as a precedent in any time hereafter." The Governor's prompt and curt answer to the message was: "I have no authority over his Majesty's ships in this port, or

<sup>1</sup> Chandler, *American Criminal Trials*, 295-300.

his troops in this town ; nor can I give any orders for the removal of the same." In a second message the House maintained that he possessed the power which he disclaimed, while they urged again the existing necessity for its exercise. He adroitly turned the tables upon them by replying, that, though their argument had not changed his mind, yet in consideration of their scruples, he would "apply such remedy as was in his power to remove the difficulty. The only means," he said, "I have, are to remove the General Court to a place where it cannot operate." And he adjourned them to Harvard College in Cambridge.<sup>1</sup>

In their choice of a Council for the following year, the Court purged that Board by omitting four Counsellors of the year preceding, who were regarded as too much the Governor's friends. He, on his part, disallowed eleven of the Counsellors elected. Four of them he had rejected in past years. Two, James Bowdoin and William Brattle, had before been several years members of the Board. John Hancock, Artemas Ward, and three others of the rejected, were now first chosen. Joseph Hawley, Representative of Northampton, chosen and approved as a Counsellor, declined to accept the promotion.

<sup>1</sup> June 13, 1769, Palfrey wrote to Wilkes: "The enclosed letter is a copy of a deposition communicated to me by a gentleman of the first rank in the Province [explained in a subsequent letter to be Sir John Temple], which I caused to be published with a short introduction in the 'Boston Gazette' of Monday, the 12th June, to let the world know what was to be expected from a man who, after making the most solemn protestations of fidelity to the Crown and attachment to the interest and welfare of the Nation, could be guilty of the scandalous crime of robbing the revenue. I send it to you, Sir, to make what use of you may think proper,

but at the same time can't help expressing my wish that it may be republished with some remarks, that our brethren in Great Britain may know the man." On turning to the newspaper, I find the article indicated to have been an affidavit of one Sampson Toovey, averring that while he was clerk to Cottle, Collector of Salem, Cottle was in the habit of receiving fees for conniving at smuggling, and of dividing them with Bernard, and that he (Toovey) was the medium of this business. July 24, Wilkes replied: "I not only took care to have the affidavit published, but likewise that it should be ushered in a proper manner into the world here."

The session dragged on without any disposition on the part of the Court to entertain measures not belonging to the routine of ordinary legislation. The Court, intent on watching, that they might follow, the signs of the critical times, was not inclined to take steps which might provoke a sudden prorogation, and the Governor desired certain grants which he flattered himself were not yet to be despaired of. After three weeks, he attempted to quicken the action of the House by specifying several matters of business which awaited their attention. But it was no part of their policy to lighten his embarrassment, and he gained nothing by the suggestions. He informed them that he had received the King's command to "repair to Great Britain, to lay before him the state of the Province," but that, as he was "made to understand" that he was to continue to hold the place of Governor of the Province, there was "the same reason for the grant of the salary now as there had been at any other time ; one half of it being due, however, in his absence, to the Lieutenant-Governor." Having asked for and obtained the instructions under which he claimed the grant,

1769. they decided not to make it, by a unanimous vote of  
July. the members present, — one hundred and one in number. They said: "As we are not 'made to understand' that your Excellency will be continued in your office as Governor of the Province after your expected departure from it, the House cannot, in faithfulness to their constituents, make an unprecedented grant of their money for services which we have no reason to expect will ever be performed."

Nor was he more fortunate in an application for the payment of moneys advanced by General Gage's Quartermaster for the accommodation of the troops in Boston. On a renewal of the demand, after a week of inattention to it, the House concluded a formal argument with these emphatic words: "Your Excellency must therefore ex-

cuse us in this express declaration, that, as we cannot consistently with our honor or interest, and much less with the duty we owe our Constituents, so we shall never make provision for the purposes in your several messages above-mentioned."

Early in the session, the House had received from the agent in London copies of letters written at the close of the preceding year by Governor Bernard to Lord Hillsborough, "in which letters his Majesty's loyal subjects of this Colony in general, as well as his Majesty's Council, are traduced and represented in a most odious and unjust light to his Majesty's Ministers." They contained nothing but what was naturally to be expected from Bernard's well-known opinions, but they afforded a definite basis for proceedings against him. The occasion was seized for a motion, unanimously adopted in a House in which a hundred and nine members were present, "that this House prefer an humble, dutiful, and loyal petition to the King, praying that his Majesty would be graciously pleased forever to remove his Excellency Sir Francis Bernard, Baronet, from the government of this Province. . . ."<sup>1</sup>

The refusal to pay for quarters and supplies for the troops was the last transaction, within the Province, between it and Governor Bernard. On receiving the message of the Representatives to that effect, he immediately summoned them to attend him, and closed a session which had lasted six weeks by proroguing them with a speech of angry reproof. "To his Majesty," he said, "and, if he pleases, to his Parliament, must be referred your invasion of the rights of the imperial sovereignty."<sup>2</sup>

<sup>1</sup> According to Burke's Peerage, Governor Bernard was made a Baronet April 5, 1769.

<sup>2</sup> Journal of the House.

## CHAPTER VIII.

GOVERNOR BERNARD was naturally impatient of his position, and had long ago expressed his desire to return to England.<sup>1</sup> There were noisy demonstrations of joy at his departure.<sup>2</sup> He continued for the present to be Governor, but in his absence Lieutenant-Governor Hutchinson was the Chief Magistrate of the Province.<sup>3</sup>

<sup>1</sup> Select Letters, &c., 42, 44, 45, 63.

<sup>2</sup> Hutch., Hist., III. 254; comp. Proceedings of the Mass. Hist. Soc. for 1869, p. 139.

<sup>3</sup> Edward Holyoke, President of Harvard College for several years longer than the office has been held by any other person, died June 1, 1769, in his eightieth year. Of his two immediate predecessors, John Leverett and Benjamin Wadsworth (see above, Vol. IV. 318 *et seq.*, 416 *et seq.*), the administration of the former had proved eminently prosperous. (Quincy, History of Harvard University, I. 222-325.) The election of a successor after Leverett's death (in 1724) revived the questions which divided the more and the less rigorous parties in the Church. The former, as it had done before, clamored for Cotton Mather. The Corporation could not gratify them by that appointment, but, as an expedient of conciliation, elected the Reverend Joseph Sewall, minister of the Old South Church in Boston. Sewall declined the place, which the Corporation next offered to Benjamin

Colman, pastor of the church in Brattle Square. He took the offer into consideration, but also declined it, when the House of Representatives failed to give him the assurance of a competent support. The choice then fell upon Wadsworth, who sympathized with Colman's views upon the questions of the day, but whose action had been less ardent and less prominent. Influenced by that consideration, as well as probably by misgivings as to whether the course which they had taken in respect to Colman could be justified, the Representatives took the measures which depended on them for completing the arrangement. Wadsworth's administration of the College (1725-1737) was entirely creditable, but unmarked by anything except the gradual growth of the institution. During Leverett's service of seventeen years it sent out two hundred and ninety-nine graduates, and during Wadsworth's of twelve years, four hundred and forty-five.

At Wadsworth's death, in Governor Belcher's day, the old religious

Arrived in England, Bernard pressed the Ministry for a speedy hearing of the memorial of the Representatives of Massachusetts against him.<sup>1</sup> It was desirable to have it disposed of before he should be considered for some other appointment,<sup>2</sup> while he was very

1769.  
Sept.

question reappeared, and again was disposed of as it had been from the time of its being first stirred by Increase Mather. Edward Holyoke, a native of Boston, was then one of the two ministers of Marblehead. When his learning and other unquestionable qualifications brought him into notice as a candidate, Governor Belcher declared his scruples because "suspicions had been spread of his being liberal in his sentiments." (Eliot, Biographical Dictionary, art. HOLYOKE.) The Corporation offered the place to the Reverend William Cooper, of the church in Brattle Square, Boston, against whom no such charge could be made, but he declined it, preferring not to change his situation. The selection of the Reverend Joshua Gee, formerly colleague and afterwards successor of Cotton Mather, appears to have been strongly pressed by the partisans of the old strictness, and at one time he seems to have had three of the six votes of the electing body. But whatever may have brought about a result so extraordinary in the circumstances, the election of Holyoke was made (May 30 and June 2, 1737) by unanimous votes of both the Corporation and the Overseers. (Quincy, History of Harvard University, II. 1-10.)

The part taken by Holyoke in the controversy with Whitefield has been mentioned in its place (above, p. 22). When he came to the Presidency, the number of the young men whom the College had educated was twelve hundred and seventy-five. The whole number graduated during the thirty-two years of his administration was nine hundred and eighty-four. Of

the leaders of opinion among the patriots of Massachusetts in the years next preceding the War of Independence, all except Joseph Hawley (who was a graduate of Yale College of 1742) had been his pupils.

"The good and the great, in their beautiful prime,  
Through thy precincts have musingly trod,  
While they strengthened their spirits —."

Oxenbridge Thacher, Samuel Adams, James Otis, Jonathan Mayhew, and James Bowdoin were nearly of the same age, having finished their studies at Harvard College in the order in which I have named them, in the years 1738, 1740, 1743, 1744, and 1745. John Hancock was nine years after Bowdoin, John Adams one year after Hancock, Joseph Warren four years after Adams, and Josiah Quincy, Jr., four years after Warren. Governor Hutchinson was eleven years before Thacher, and Samuel Cooper was of the same year with Otis, and Thomas Cushing of the same year with Mayhew.

In his last year, in consequence of action of the Corporation and Overseers, in a matter of the internal discipline of the College, the octogenarian President recorded a protest, of which his successor wrote: "The spirit of vigorous independence and fidelity it exhibits, is equally honorable and exemplary." (Quincy, History, &c., II. 119.)

<sup>1</sup> Letter of Bernard to Lord Hillsborough, "Pall Mall, Sept. 18, 1769," in Sparks's Coll. Bernard Letters.

<sup>2</sup> So he writes to Hutchinson,

reasonably confident that it boded him no harm, since the charges which it made against him were either so vague as to be incapable of being substantiated before a tribunal prejudiced in his favor, or else were for acts done under the instructions of the home government, or at least with its approbation.<sup>1</sup> He immediately entered upon an active correspondence with Hutchinson. He informed his friend that, in the probable event of his being himself otherwise provided for,<sup>2</sup> he had advised Lord Hillsborough to make him Governor, or, in case Governor Franklin of New Jersey, or Colonel Dalrymple, should be preferred to that post, then to make him Chief Justice of Massachusetts, with an assured annual salary of five hundred pounds sterling.<sup>3</sup>

Jan. 13, 1770, in a letter marked *secret*.

<sup>1</sup> "Governor Bernard is looked on with horror by all true Englishmen. We are frequently meeting together with our American friends to concert measures to punish him in Westminster Hall for having dared to quarter troops contrary to an express act of Parliament. We shall have the best law advice, and proper powers for this purpose must be sent over to your agents here. Serjeant Glynn will give us his advice gratis in all the steps to be pursued. Petitions to the King and Parliament are useless, although necessary forms. They are both determined against you. The secret history of the Stamp Act would give you the real sentiments of the Court. Westminster Hall will do you justice, and a great number of separate actions against him will make your late proud, despotic governor tremble. You have many warm friends here, who will never give up your cause, nor rest till the *declaratory bill*, as well as *all the late duties*, are absolutely repealed." (Wilkes to Palfrey, September 7.) In this letter Wilkes

thanks his correspondent for introducing to him Mr. Samuel Eliot of Boston. That Palfrey had sent such an introduction, was a fact which Hutchinson for some reason thought of sufficient importance to communicate to Bernard in his letter of Nov. 27, 1769.

<sup>2</sup> Bernard wrote to Hutchinson, January 13, that, *en attendant*, the Duke of Grafton had granted him a pension of £600 from the following December 1, and that he had concluded to accept it rather than take the chance of a pension of £1,000 which he had been led to expect, because the claim for the latter sum could not be urged till the Duke came back to town, and this would not be till Parliament met, of whose favorable disposition Bernard did not feel sure.

<sup>3</sup> In a letter to Hutchinson of Nov. 17, 1769, marked *private*, Bernard says: "I shall have frequent occasion to distinguish my letters to you as above, and at such times must write a communicate letter to cover the private. . . . I have seen Dr. F. [Franklin] several times, but have not had a word with him about



The Committee of the Privy Council, to which were referred the complaint of the Representatives of Massachusetts against Bernard, and his petition for a speedy hearing, having appointed a day for the scrutiny, were addressed in the mean time by De Berdt, agent for the Province, with an application for several months' delay of the proceedings, to give him time to obtain evidence from America in support of the charges which he was to maintain. After an argument between the parties, which satisfied the Committee that time enough had been allowed, but had not been used,<sup>1</sup> the motion of De Berdt was denied, and the trial proceeded. The memorial of the Representatives of Massachusetts was, with a few unimportant verbal differences, the same that they had voted in the month of their last prorogation.<sup>2</sup> De Berdt said that he was not prepared to go on without authenticated evidence, which he was refused the time necessary for obtaining, and he withdrew from the prosecution. Bernard, by his counsel, took up the charges, — seventeen in number, — one by one, and urged that they

1770.  
Feb.

America. His principle seems to be to have no fixed principles at all." The letters of colonial officials to Ministers having so often been made public, he advises that the former should rather correspond with private persons in the confidence of the Ministry, and proposes himself to Hutchinson for this function.

"A ridiculous story is told about town, as coming from Sir Francis Bernard. He says he was ordered to come home with the utmost expedition, as he was told that no colony measure could be taken till after he was consulted with, and that everything was suspended on that account. He says he has been now here six weeks, and he has not yet seen the Secretary of State for America, nor has he had one conference with the Ministers upon any public measure."

(William Knox to George Grenville, October 18, 1769, in Grenville Papers, IV. 470.)

<sup>1</sup> In his counter-argument De Berdt argued (Sparks's *Bernard Letters*, XII. 203) that since they voted their Memorial the House had not been in session, and no person could presume, or could properly be trusted, to furnish evidence for them. For a full report of the investigation, of which the result was a denial of De Berdt's motion, see the place just indicated.

<sup>2</sup> It differed, chiefly in being enlarged, from the petition which was reported by a Committee June 30, 1768, and which the House was prevented from maturing by its prorogation on that day. (*Journal of the House*; comp. *Bernard's Select Letters, &c.*, 89-94.)

were either too indefinite to be material, or that they related to acts which were misrepresented in point of fact, or which had been commanded or authorized by the Ministry, or at least were in conformity with its policy and purpose. The Committee reported, and the Privy Council adjudged, that the complaint should be dismissed as "groundless, vexatious, and scandalous;" and Bernard stood absolved and approved, and a fair and favorite candidate for promotion.<sup>1</sup>

<sup>1</sup> Of Bernard's later life I know little beyond what is told by Chalmers, who says (Biog. Dict., art. SIR FRANCIS BERNARD) that, after his return to England, he "resided mostly in Buckinghamshire till his death, June 16, 1779." Some portion of the time after he left America, he held some place under government; for in a letter to Lord Barrington, of Jan. 4, 1774, the last in his letter-book, he asked to be "released from his office in Ireland," and have his old pension instead, that he might go for his health to the South of France. Of his illness he said that he was, by his exertions in America, "a martyr to the cause of Great Britain." The last which I have seen of his letters to Hutchinson bears the date of May 25, 1771.

In 1774 Bernard published in London a pamphlet of a hundred and thirty pages, containing a report of this trial, — "Select Letters on the Trade and Government of America" (fourteen in number, the first dated Oct. 25, 1763, the last Sept. 20, 1768), — and a treatise entitled "Principles of Law and Polity, applied to the Government of the British Colonies in America," written in the year 1764. This treatise, as appears from the letters (Ibid., 23, 25, 29, 38), though not printed till ten years later, was sent to England in a few manuscript copies at the time of its composition.

In his letters Bernard repeatedly urged the good policy of granting to

the Colonies a representation in Parliament, to the end of disarming them of their argument that there could be no rightful taxation without representation. It could do no harm, he said, because, "when this great work is done (a system of complete colonial subordination to Parliament), the American Representatives may be dismissed." (Ibid., 34.) "I do not propose American Representatives as a perpetual establishment, but only as a temporary ordinance. When the business is done, the governments new modelled, their legislatures established upon constitutional principles and a permanent bottom and a recognition of the supremacy of the Parliament of Great Britain . . . there will be no longer occasion for American Representatives." (Ibid., 40, 41; comp. 33, 55, 57, 59, 60.)

The scheme of reconstituting the American Colonies, with new boundary lines and a uniform system of government for them all, had been entertained and advised by Bernard from an early period of his residence in Massachusetts. (Ibid., 76 *et seq.*, 81, 83, 91 *et seq.*) As early as the beginning of the year 1762 he communicated to Lord Barrington his ideas on this subject. (Letter of Bernard to R. Jackson, of Aug. 3, 1763, in Sparks's Collection; and see above, pp. 224, 274.)

In his defence of himself before the Committee of the Privy Council

Two grievances were especially felt in Boston at this time. One was the exaction, by Mr. <sup>1769.</sup> Townshend's Act, of payments into the British Treasury, which were regarded in America as illegitimately and oppressively claimed; the other was the presence of the two regiments of regular troops. Both of these — to which indeed might be added the increased rigor of the observance by the Commissioners of the whole revenue system — were standing occasions of irritation and disturbance. It was to be expected that the angry discontent which they excited would be manifested in different ways; that that portion of the community which was controlled by a sense of character and of responsibility would restrain their measures of opposition within limits of dignity and self-respect, while another portion, countenanced and confirmed by their superiors in the conviction that they were wrongfully treated, would take counsel too much of their passions, and yield too much to the impulses which prompted them to senseless outrage. Boston was the home of the most eminent of the patriots, who wisely discerned and denounced the usurpations of the mother country. But, at the same time, it was a great commercial mart, and its population was not free from a mixture of the turbulent and reckless people who unfailingly constitute one element in such communities.<sup>1</sup>

against the petition of Massachusetts, Bernard maintained (Select Letters, &c., 116, 117) that down to 1765 the House of Representatives had no permanent quarrel with him. If this was true, and I think it was, it shows how very hard it was to alienate the people of Massachusetts, notwithstanding the provocations they had received. Bernard was not personally conciliating or attaching. But the Writs of Assistance went into use. The matter of the Province's sloop in September, 1762, was but a feeble ebullition, and not persisted in. The

General Courts of 1762, 1763, and (at the beginning) 1764, were very pacific and cautious; and I strongly incline to think — such was the attachment to England, and reluctance to proceed to extremities — that even the Sugar Act would have been endured, had it not been followed up by the Stamp Act.

<sup>1</sup> "We have been entertained with a great variety of phrases to avoid calling this sort of people a mob. Some call them shavers, some call them geniuses. The plain English is, gentlemen, most probably, a mot-

To oppose the new revenue law, the method adopted as most appropriate and most likely to prove effective was that of agreements among the merchants not to import commodities from England. If, through such agreements, the articles of commerce enumerated in the Act should cease to be imported, of course no duty would be paid upon them, and the Act would be frustrated. To such extent as the importation of other commodities besides those specified should be discontinued or diminished, the business of the exporting English merchants would be crippled, and it would be made their interest to solicit Parliament for a repeal of the law, on the abrogation of which the obligation of the agreements was to cease. To serve their purpose, the engagements not to import needed to be unanimously made among the merchants; if any continued to import, they would enrich themselves at the expense of those who abstained. Herein was found a provocative to distrust and altercation. At first the engagements were voluntary, a sense of public duty and the advantage of conciliating the general good-will being exclusively relied upon. But such considerations soon showed their inadequacy to produce the requisite accord. When the scheme failed in that the great ports of other provinces—as New York and Philadelphia—afforded supplies to the Boston market without direct importation, the merchants of Boston could do no more than use their influence for the renewal and greater stringency of such agreements. Within their own sphere at home they could do more; but the virtual coercion by which alone it could be

ley rabble of saucy boys, negroes and mulattoes, Irish teagues and outlandish jack-tars. And why we should scruple to call such a sort of people a mob, I cannot conceive. . . . A Carr from Ireland, and an Attuck from Framingham, happening to be here, shall sally out upon their thoughtless

enterprises, at the head of such a rabble of negroes, &c., as they can collect together, and then there are not wanting persons to ascribe all their doings to the good people of the town." (John Adams, in "Trial of the British Soldiers," 116.)

done was often eluded by one party, while it occasioned a habit of suspicion and resentment in both.

When from the appeal to public considerations the promoters of the non-importation agreements proceeded to other measures for obtaining the requisite unanimity, the difficulties of their undertaking were soon manifest. They published in the newspapers the names of persons who had refused to enter into their engagement, "that there might be the concurrence of every person upon the continent in rendering their base and dangerous designs abortive." They obtained the vote of a town meeting to perpetuate the ignominy attached to the names by placing them on the records of the town. Such proceedings could not fail to bring odium, if nothing worse, upon recusants. The case of one of them—a book-seller, from Scotland, named John Mein—came into prominence. He was the more an object of popular dislike for having set up, a year or two before, a newspaper, the "Chronicle," which was the champion of Governor Bernard's administration. He had given special offence by charging John Hancock with a breach of his engagement not to import.<sup>1</sup> He was assaulted in the street while walking with his partner in business. Both were armed, and the pistol of the partner was discharged harmlessly,—by accident as he afterwards said. Mein fled to the main guard for safety; a crowd followed, an alarm spread, and the two regiments were turned out; but the affair passed off without mischief.

<sup>1</sup> Mein gained an advantage by producing from the Custom House an attested copy of the "cocket," from which it appeared that five bales of British linen had been cleared in England, and shipped to Hancock. Hancock maintained that this was by a mistake in the invoice, and that the commodity was Russian duck, an article not included in the agreement against importation. Sep-

tember 7, Palfrey wrote to Hayley, his business friend in London, to ascertain this fact for publication. Mein was heavily in debt to book-sellers and others, and his English creditors sent to Hancock a power of attorney to attach his property. He absconded, and in the next year is shown, by some papers in my possession, to have been in the King's Bench prison.

A few weeks after Bernard's departure, when tempers on all sides were soured and fierce, Mr. Otis received a serious injury in an affray which took place between him and one of the Commissioners.<sup>1</sup> The constitutional tendencies of his impetuous character had doubtless been aggravated in the years of stormy excitement which he had gone through.<sup>2</sup> But on this occasion it does not appear that he was in any way the aggressor, apart from the severe language of his arraignment of the Commissioners for their misrepresentations of his past public conduct. He had printed in a Boston newspaper<sup>3</sup> an advertisement setting forth that he had "full evidence" that the four Commissioners had "frequently and lately treated the characters of all true North Americans in a manner that is not to be endured, by privately and publicly representing them as traitors and rebels;" that they had accused himself "by name, as inimical to the rights of the Crown and disaffected to his Majesty, to whom," he said, "I annually swear, and am determined, at all events, to bear a true and faithful allegiance;" that for these wrongs and insults "satisfaction had been personally demanded, due warning given, but no sufficient answer obtained;" and that, accordingly, it behooved all persons, official and private, "to pay no kind of regard to any of the abusive representa-

<sup>1</sup> Named Robinson.

<sup>2</sup> Otis's growing mental infirmity was known to John Adams before the middle of the year 1769. They were associated together in the defence of the sailors indicted for murder in resisting an impressment (see above, p. 393). "His unhappy distemper was then in one of its un lucid intervals, and I could hardly persuade him to converse with me a few minutes on the subject." (John Adams's *Life and Works*, II. 224, note; comp. 226, 227, 228.) — "Otis seems to be nearer to a frenzy than

ever before. His behavior in the Superior Court has been very extravagant." (Hutchinson to Bernard, Nov. 27, 1769, Vol. XII. of Sparks's Collection.) — "He is become the sport of the young gentlemen at the bar, and he was greatly mortified, on looking over the entries . . . to find that he has but four, when the youngest Quincy had nine, and John Adams had sixty." (Andrew Oliver to Bernard, Dec. 3, 1769.)

<sup>3</sup> "Boston Gazette" of September 4.



tions" which might proceed from the Commissioners or "their confederates."

The evening of the next day Mr. Otis went into a coffee-house, where he found Robinson in the company of a number of British officers. Some rough language passed between them, which led to Robinson's offering Otis a gross affront and striking him with a cane. The blow was returned. Robinson's friends took his part. A young man, who, passing by, heard the noise and came to the help of Otis, was beaten and turned into the street. When the combatants were parted, a wound upon Otis's head, apparently inflicted by a sharp instrument, was found to be serious. Robinson fled from the town, after giving bonds to answer to a suit which Otis had instituted for damages. He was convicted, and sentenced to pay a fine of two thousand pounds sterling. Otis refused the money, avowing himself to be satisfied with a written apology, in which his assailant owned his fault and asked forgiveness.<sup>1</sup> But this magnanimity on the injured patriot's part did not abate the popular indignation against the outrage.

At the town meeting in which it was voted to register in the town records the names of merchants who refused to enter into the engagement not to import, a Committee had been raised to report to a future meeting a reply to those letters to England in which Bernard and others were said to have aspersed to the Ministry the character and conduct of the town. The Report of the Committee, of which Samuel Adams was chairman, was printed and published by an order of the town, in a pamphlet of some sixty pages, with the title "An Appeal to the World; or a Vindication of the Town of Boston from many False and Malicious Aspersions contained in certain Letters and Memorials written by Governor Ber-

<sup>1</sup> Tudor, Life of Otis, 503-506; Quincy's Massachusetts Reports, 558, note.



nard . . . . and others, and by them respectively transmitted to the British Ministry.”<sup>1</sup> It consisted, as its title indicates, of a defence of the town against the injurious representations which had been made to the Ministry respecting the proceedings since the coming of the Commissioners. The letters of Bernard and his friends were taken up mainly in the order of their dates, and reviewed with a caustic criticism. Having approved the Report and ordered its transmission in print to several friends of the Colony in England, the meeting adopted a series of Resolves, in which the obnoxious letters were denounced as “false, scandalous, and infamous libels upon the inhabitants of the town, province, and continent,” and the selectmen were “directed to apply and complain to proper authority that the wicked authors of those incendiary libels may be proceeded with according to law, and brought to condign punishment.”

In the state of hostile feeling which existed between the inhabitants, on the one side, high and low, and the soldiers, placemen, and sympathizers with them in various degrees, on the other, it was not unreasonable to look for a repetition of acts of violence. Abundance of inflammable matter lay about, in readiness for any spark that might fall upon it. A poor sailor was charged with giving information to the Commissioners respecting some attempted smuggling. A party seized and stripped him, covered him with tar and feathers, dragged him about

<sup>1</sup> The question of the authorship of this important work has been discussed. I cannot pretend to say how good were William Palfrey's means of information upon it. But he wrote to Wilkes, October 1: “In justice to Mr. Samuel Adams, Clerk of the House of Representatives, I would acquaint you he draughted the answer; it is much to be wished that gentleman's fortune was equal to his abilities; he would certainly be one

of the richest men in America.” Otis has been mentioned in connection with the piece. But apart from the presumption that the time had gone by when he was capable of such a composition, its merit consists rather in that vigorous treatment of details in which Adams excelled, than in the maintenance and development of great principles which was the characteristic sphere of Otis.

the streets three hours upon a cart, and under "Liberty Tree" made him swear not to repeat the offence.<sup>1</sup> A

<sup>1</sup> "On this occasion a grand parade was made. The Lieutenant-Governor went to the lodgings of Colonel Dalrymple. What passed between them is not known, but the Colonel had his Regiment turned out and thirteen rounds a man delivered. . . . The Lieutenant-Governor summoned the Council, but was not able to make a Majority. . . . While the Governor, &c., were waiting to make a majority of the Council, the people dispersed, and the Town has since been perfectly quiet, though the Picquets of each Regiment has been under arms every night since." (Palfrey to Wilkes, Nov. 5, 1769.)—How the existing state of things in the Province appeared to the most prominent men, is manifest from the following extracts from a letter to Wilkes, which I find among the papers of W. Palfrey: It is dated November 4, and signed by James Otis, Samuel Adams, John Hancock, Richard Dana, Benjamin Kent, John Adams, Joseph Warren, Benjamin Church, Thomas Young, Josiah Quincy, Jr.

"With us also the Laws seem to lie prostrate at the feet of power. Our City is yet a Garrison filled with armed men, as our harbor is with Cutters, Cruizers, and other armed vessels. A Main guard is yet placed at the doors of our State-house. The other side of the Exchange is turned into a guarded den of — Revenue Officers, to plunder our trade and drain the country of its money, not only without our consent, but against repeated remonstrances. The military are guilty of all kinds of licentiousness. The public streets are unsafe to walk in for either sex by night or by day. Prosecutions, civil and criminal, against the inhabitants are pushed with great rancor and rigor,

while those against the troops and the revenue officers and their confederates, frowned upon and embarrassed by every possible means in the power of those who are inimical to the rights of the subject. Sometimes small fines are imposed that tend to encourage a repetition of enormities. When everything else fails, a *Nol. pros.* is entered, and that power is claimed here as an uncontrollable prerogative of the Crown, and by the Attorney-General exercised with as little ceremony or modesty as in the reigns of any of the Stuarts. Such, without exaggeration, is the present wretched state of the once happy and flourishing City of Boston. Such in a degree is the state of all our trading-towns, and such in effect is the state of the whole Continent."

November 21, the Grand Jury for Suffolk County found an indictment against Governor Bernard, charging that he "did in many letters to his Majesty's Ministers of State, wrote, framed, and fabricated at Boston aforesaid, within ——— months last past, maliciously, wilfully, and falsely, misrepresent and libel, slander and defame, the Council of this his Majesty's Province of the Massachusetts Bay, as well as all his said Majesty's faithful and loyal subjects of the Town of Boston aforesaid, and of the Province aforesaid, and therein also did then and there falsely accuse the same loyal and faithful subjects of disloyalty and disaffection to his said Majesty, and of being much inclined to a general insurrection, revolt, and rebellion, and as much as in him the said Francis lay, endeavored and therein clearly discovered an earnest desire to procure the dissolution of the present form of Civil government in this Province, and to introduce into it an arbitrary Government and

crowd of boys, which had collected with insulting demonstrations about the house of an importing shopkeeper, quarrelled with a sort of officer of the Commission<sup>1770.</sup>er Paxton, named Richardson, who remonstrated against their proceedings. They followed him to his house, where they broke some windows, and were pressing in, when he fired and killed one of them, eleven or twelve years old. Richardson, with difficulty escaping from the fury of the bystanders,<sup>Feb.</sup><sup>1</sup> was taken before a justice, who sent him to jail. At the trial, notwithstanding the law given to them otherwise from the court, the jury found the prisoner guilty of murder.<sup>2</sup> The boy, a son of a poor German named Snyder, was buried with much parade and with a numerous attendance. The funeral procession made a long circuit, marching from "Liberty Tree" to the town-house in King Street, and thence to the place of interment.

Such occurrences were natural preludes to that melancholy transaction known in our history as the <sup>March 5.</sup> Boston Massacre. Its dissimilarity from other conflicts of earlier occurrence consisted mainly in its extent and its tragical catastrophe. In the next week after the last of those tumults which has been described, a

a Military Tyranny, to the great grief, injury, and disquiet of the people of said Province, in evil example to others in the like case offending, as well as against the peace of our said Lord the King, his Crown and dignity." It was brought in, but the Court quashed it, as was no doubt expected. It could not have been intended otherwise than as an expression of the popular feeling. "I send it," Palfrey writes to Wilkes, "for your amusement."

<sup>1</sup> "While he was in custody of the sheriff, a person endeavored to throw a noose over his head, but failed in the attempt; otherwise he would

have been murdered on the spot by the enraged populace." (Palfrey to Wilkes.)

<sup>2</sup> The court was unwilling to give judgment upon a verdict which appeared to them directly against law; and yet it was difficult, in the state of the town, to order the jury out a second time, or to refuse or delay sentence after the verdict was received. So they received the verdict, and (some special circumstances appearing) continued the cause, and certified their opinion that the prisoner was a proper subject for his Majesty's pardon, which he ultimately received. (Hutch., Hist., III. 286-288.)

quarrel took place between some laborers in a rope-walk and some soldiers of the Twenty-ninth Regiment. This regiment was quartered near the southeastern end of what is now Congress Street, while the barracks of the Fourteenth Regiment, of which the Lieutenant-Colonel, Dalrymple, was ranking officer and as such commander of the whole force, were in and about Brattle Square near the head of King Street on its northern side. On that side of the street, close by the town-house, was the custom-house; and opposite to the custom-house, where the street was more than a hundred feet wide, was the guard-house of the regiment.

The fray began with a soldier of the Twenty-ninth Regiment, who, being turned out of a rope-walk for some provoking language, came back with a small party of his comrades, who were twice beaten away by the workmen of the place. The next day, Lieutenant-Colonel Carr complained to the Lieutenant-Governor that ill-treatment had been offered by the citizens to his men, one of whom had been dangerously wounded. Then came a Sunday, but on the next day following the Lieutenant-Governor laid the case before his Council, which body had no advice to give, but only the opinion that nothing was to be expected but disturbances and danger as long as the troops remained in town.

Meantime the excitement grew. On the evening of the third day there were threatening indications of the exasperation between the inhabitants and the soldiers. Parties of both paraded the town with clamor and hurried steps, with clubs, swords, and fire-arms. The sentry before the custom-house, alarmed by the insults and threats which had become noisy around him, called out to the guard-house on the opposite side of the street, for protection. The officer on duty, Captain Preston, ordered out a corporal's guard, which he followed himself. They made their way through the crowd, and were formed

about the sentinel. Here they were assailed by abusive language and by missiles, — as by oyster-shells, snow-balls (for a light snow lay on the ground), and billets of wood. One of the soldiers was knocked down, and, recovering himself, discharged his musket with fatal effect. Then followed at short intervals the firing of five guns. Four persons were fatally wounded, dying on the spot, besides Patrick Carr, who lingered for some days. Samuel Gray, one of them, was a Boston lad, who had been conspicuous in the fight at the rope-walk. Crispus Attucks was a stout young mulatto, who had just strayed down from the inland town of Framingham, and had been conspicuous in the earlier movements of the evening.<sup>1</sup> Patrick Carr was an Irish sailor. Samuel Maverick, a Boston boy, seventeen years old, and James Caldwell, a stranger in the town, are spoken of by Mr. Adams, in his argument for the prisoners, as having “had no concern in the riotous proceedings of that night.” They were probably present rather by accident or from curiosity than with any intent of participation in the disturbance.<sup>2</sup>

This took place a little after nine o'clock in the evening. Drums beat, and the church bells were rung. While the soldiers were drawn off by their officers, and the dead bodies were conveyed away, the Lieutenant-Governor, summoned from his house at the North End, repaired in all haste to the scene of the conflict. From the balcony at the east end of the town-house he addressed the throng below. They clamored to him to send the troops away. He said that he had no authority to do so, but promised to be at the Council Chamber early the next morning to consider what should be done. The soldiers who composed the firing party were produced by their officers and committed to prison. A warrant was issued for the arrest of Captain Preston, who

<sup>1</sup> “Trial,” &c., 116 ; Chandler, Criminal Trials, 394, 395.

<sup>2</sup> “Trial,” &c., 106.

surrendered himself in the course of the night and was also sent to jail.

The selectmen of the town and the magistrates of the county went to the Lieutenant-Governor at the Council Chamber the next morning to urge him to remove the troops, — a measure which he still persisted in saying was beyond his authority. At noon a town meeting was held, which sent a large Committee to him, with Samuel Adams at its head, to repeat the demand. Hutchinson repeated his refusal. When this was reported to the town meeting, which came together again in the afternoon, another Committee was raised to make the demand again, and insist upon a favorable answer. They found Hutchinson and his Council in conference with the two Colonels, and with the naval officer commanding on the station. Adams, for the Committee, addressed the Lieutenant-Governor, representing the rashness of posting soldiers in the midst of populous communities, urging that the horrors of the night before had satisfied the people that the troops must be immediately removed out of the town, and arguing, from the charter of the Province, that “the Governor, and in his absence the Lieutenant-Governor, was Commander-in-Chief of all the military and naval power within the jurisdiction.” Hutchinson, after some words with Dalrymple, suggested the removal of one regiment, that which had furnished the soldiers engaged in the recent slaughter. But Adams replied: “If the Lieutenant-Governor or Colonel Dalrymple, or both together, have authority to remove one regiment, they have authority to remove two, and nothing short of the total evacuation of the town by all the regular troops will satisfy the public mind, or preserve the peace of the Province.” The temper of the people, as indicated by the deportment of their Committee, was formidable. The peril of the situation was manifest. After a little further hesitation, Hutchinson promised for the Colonel that both regiments

should be sent to the Castle without delay.<sup>1</sup> The townspeople dissolved their meeting after hearing the Report of their Committee to this effect, and after making arrangements for a strong night-watch to secure the quiet of their homes till the transfer of the troops should be completed.

The town authorities collected sworn statements from spectators of the bloody scene and others, and chartered a vessel to convey them to England for the use of their friends and for publication.<sup>2</sup> A session of the Superior Court began in the next week, and the grand jury found bills for wilful murder against Captain Preston and his men, and four persons charged with having fired upon the crowd from the windows of the custom-house. In consideration of the excited state of the public mind, the court put off the trials for several months, till the next term. Robert Treat Paine and Samuel Quincy conducted the prosecutions. John Adams, Josiah Quincy, Jr., and Sampson Blowers<sup>3</sup> were of counsel for the prisoners. This relation of John Adams and the younger Quincy, favorite and prominent *Sons of Liberty*, was much canvassed, and occasioned much chagrin to some of their friends.<sup>4</sup> But those patriots justly held that every man

<sup>1</sup> Life and Works of John Adams, X. 250, 252.

<sup>2</sup> "A Short Narrative of the Horrid Massacre in Boston," &c.; "Appendix, containing the Several Depositions," &c. The news arrived in England, April 21. (Chatham Correspondence, III. 444; comp. Walpole's George the Third, IV. 119.)

<sup>3</sup> Robert Treat Paine was afterwards a member of the Continental Congress, a signer of the Declaration of American Independence, and for many years, till his death in 1814, a Justice of the Supreme Court of Massachusetts. Blowers and Samuel Quincy took the Tory side, and were refugees in 1776. The latter ob-

tained a place under government in the island of Antigua. He died on a voyage to England in 1789. The former, made Chief Justice of Nova Scotia, died in Halifax in 1842, having lived to be the oldest graduate of Harvard College. (Sabine, American Loyalists, *ad voces*.)

<sup>4</sup> The venerable father of the Quineys was greatly distressed by the course of his younger son on this occasion. For their correspondence upon it, expressing sentiments so natural on the one part and so highly honorable on the other, see the Memoir of Josiah Quincy, Jr., by his son, 26-28; Chandler, Criminal Trials, 424-426.



was entitled to the protection of the law, and had a right to any services which he might desire to secure it.

Captain Preston was first arraigned alone. No full minutes of his trial are known to exist. The government failed to prove that he ordered his men to fire; and the court instructed the jury that, even if they should so construe the evidence as to conclude that he did give that order, they must further consider whether the assault upon his men was not such as to make the killing by them to be justifiable homicide. After six days' hearing, and a short deliberation, they pronounced him not guilty; and he went down to the Castle, whence he presently sailed for England.<sup>1</sup>

The trial before a different jury of four persons charged with firing from the custom-house took still less time, and is also without a particular record. The evidence of a French boy, relied upon for the prosecution, was contradicted and broke down, and the jury returned a verdict of acquittal without leaving their seats.

Of the trial of the soldiers before another jury we have a full report, printed from the notes of a stenographer.<sup>2</sup> All the jurors drawn from Boston were challenged for cause, and the panel was constituted of

<sup>1</sup> "Before this unfortunate event, he [Captain Preston] always behaved himself unexceptionably, and had the character of a sober honest man, and a good officer." (Palfrey to Wilkes, March 13.) The letter is long, and contains an account of what the writer saw, and of the testimony given to the jury of inquest of which he was a member. (Proceedings of the Massachusetts Historical Society for 1863, pp. 480-483.)

<sup>2</sup> The "Trial of the British Soldiers," a closely printed volume of 146 pages in 12mo, contains the testimony of the witnesses, the arguments of Samuel Quincy for the

prosecution, and of his brother and John Adams for the prisoners, "the substance" (rather the first part) of the argument of Paine, and the charges of Justices Trowbridge and Peter Oliver. "The rest," says the Editor, "of the papers which have been preserved relating to this trial are so torn, and the notes therein so imperfect and disconnected, that it is impossible to determine the concluding remarks of Mr. Paine. It appears, however, from his very copious minutes, that he commented largely on the testimony, with much ingenuity and wit," &c. ("Trial," &c., 121.)

twelve citizens from neighboring towns. The fact that five persons had been put to death by all or some of the soldiers indicted, was not denied in the defence. The questions in issue were, whether any of them had had no concern in the killing either as principals or as abettors, and whether in the cases of those to whom responsibility could be brought home, the act was justifiable homicide, or manslaughter, or murder.

Numerous witnesses were produced upon both sides. When they had been heard, the party of soldiers was readily identified, and it was argued for the prosecution that the firing had been without justifiable provocation, and that any who had not discharged their guns were, as accessories, equally guilty with the rest. The prisoners' counsel took the ground that they had acted in justifiable self-defence, their lives being endangered by the mob of assailants;<sup>1</sup> and that, if the jury were not satisfied of this, they could, at all events, render no other verdict than that of manslaughter against such as they should judge to have been concerned in the killing, their act having been done in the heat of blood and under strong provocation. There was credible evidence that Gray was shot by one of the soldiers named Kilroy, and that Montgomery killed Attucks, who had first knocked him down. Besides their two shots, there had been but four others, while six other soldiers were indicted. The counsel argued, and the court instructed the jury, that they must acquit these six; for only four of them had fired, and which four these were, the testimony had afforded no means of ascertaining.<sup>2</sup> The jury were two hours and a

<sup>1</sup> "Trial," &c., 111, 116, 121, 139.  
— Dr. Jeffries, who attended Patrick Carr till his death, testified that he (Carr) repeatedly said that he could not blame the soldier who shot him; that "he had frequently seen mobs; . . . that he had seen soldiers often

fire on the people in Ireland, but had never seen them bear half so much before they fired, in his life." ("Trial," &c., 80, 141.)

<sup>2</sup> "Trial of the British Soldiers," 133, 134, 141; Chandler, Criminal Trials, 392, 408.

half in making up their verdict. They convicted Kilroy and Montgomery of manslaughter, and acquitted their six comrades. The convicts claimed the benefit of clergy, which by an old law still valid exempted all persons who could read from all punishment for manslaughter, excepting branding in the hand and forfeiture of goods. Hutchinson deliberated as to pardoning them, but concluded that it would be imprudent. They were accordingly branded as tenderly as might be, and then put hurriedly on their way out of the jurisdiction. For several years, until the commemoration was superseded by that of the Declaration of Independence, on the fourth day of July, 1776, there were public ceremonies, under the management of the authorities of Boston, on each return of the fifth day of March. There was a civic and military display, and some eminent citizen pronounced an oration.<sup>1</sup>

On the day of the sanguinary collision in Bos-  
 ton, a transaction of a different character, but  
 also of the first importance in relation to the future des-  
 tiny of America, took place on the other side of the water.  
 The inefficient ministry of the Duke of Grafton, assailed  
 at last by the strong arm of Lord Chatham, on the fame  
 of which it had lived out its time, fell to pieces; and by  
 the King's favor, Frederick Lord North became  
 First Lord of the Treasury and Prime Min-  
 ister.<sup>2</sup> Parliament had met a few weeks before this

1770.

March 5.

Jan.

<sup>1</sup> In Harvard College Library, tied together (also A. R. 202, 227), are several of the Orations pronounced before the citizens of Boston on anniversaries of March 5, 1770; Lovell's, Warren's, Hancock's, &c. Of those which I have looked into, Lovell's is the most moderate, and Hancock's the most impassioned.

Thirteen Fifth of March orations were printed in a volume by Peter Edes, in 1785. (Niles, pp. 17, 490.)

They were reprinted by Hezekiah Niles in 1822, in his "Principles and Acts of the Revolution," and again by Samuel V. Niles in 1876. The first oration was by James Lovell in 1771; the last by Thomas Welsh, in 1783.

<sup>2</sup> Life and Times of Charles James Fox, I. 59; Correspondence of Charles James Fox, I. 120, &c. — "During the first ten years of the reign of George the Third, there

change. The King's speech "recommended to its serious attention the state of his government in America. . . . It gives me much concern," he said, "to inform you that . . . in some of my Colonies many persons have embarked in measures highly unwarrantable, and calculated to destroy the commercial connection between them and the mother country." The Address which was moved in reply in the House of Lords echoed the King's words. Lord Chatham, who had now become reconciled to his brothers-in-law, Lord Temple and Mr. Grenville, and alienated from the Prime Minister, took his place in the House after his long retirement. He expressed dissatisfaction with the Address, objecting particularly to the language which described the proceedings of the American Colonies as "unwarrantable." Lamenting the "unhappy measures which had divided the Colonies from the mother country," and which he feared had drawn them into excesses which he would not justify, he owned his natural partiality to America, and was inclined to make allowance even for these excesses. "The discontent of two millions of people," he said, "deserved consideration, and the foundation ought to be removed." The Address, however, passed without amendment by a majority of 203 Lords against 36.<sup>1</sup> In the other House a debate of substantially the same tenor took place, General Conway, Colonel Barré, Lord North, and Mr. Fox, who now appeared for the first time, taking part, and was disposed of in the same way.<sup>2</sup> The votes were 254 to 138.

were no less than seven successive administrations. It was not till Lord North was called to the head of the administration, in 1770, that the public uneasiness was allayed, and the cabinet of the King's own choice was founded in security." (Duke of Buckingham, *Memoirs of the Court and Cabinets of George the Third*, I. 11.)

<sup>1</sup> Hansard, XVI. 642-667.

<sup>2</sup> "The same baneful influence under which this country is governed, is extended to our fellow-sufferers in America; the constitutional rights of Englishmen are invaded, and money raised upon the subject without his consent; whole legislative assemblies have been suspended, for no other reason than their having assented to

A fortnight later, a motion of Lord Rockingham brought up a preliminary discussion in the House of Lords on the "State of the Nation," in which debate the affairs of America again came into view. But before the appointed day for resuming it had come,<sup>1</sup> the overthrow of the Duke of Grafton's maimed ministry had taken place, and Lord North took the station which he occupied for twelve troubled years. He was a man of noble birth, being the eldest son of the Earl of Guilford. He was chosen to Parliament immediately after coming of age, and five years later became a Lord of the Treasury through the interest of his relative the Duke of New-<sup>1764.</sup> castle. In the short-lived Rockingham administration he held no place; but when the Duke of Grafton<sup>1766.</sup> became nominal Prime Minister, Lord North was made Paymaster of the Forces, and after some months Chancellor of the Exchequer, on the death of Mr. Charles Townshend. He was in this place, and thirty-seven years old, when the partiality of the King selected him to be the chief director of his affairs. By constitution and by education he was a Tory of the first magnitude.

In all the hot battles which he went through, Lord North's personal integrity was never seriously called in question. His courage was equally undeniable. His talents for business were of an uncommonly high order; his knowledge in all departments of business was ample, and always ready for use; his eloquence in debate ready, solid, and effective. His wit never failed. But what dis-

unalienable rights of their constituents; British subjects in America have been threatened to be seized and brought to England, for crimes supposed to have been committed there; menaces have been used to intimidate the legislature of our provinces, and extort a compliance with ministerial requisitions that are altogether arbitrary and unjust; their

admiralty courts are supported in the exercise of an oppressive power by which the property of the subject is put into the hands of officers who are interested in their condemnation; and now let me ask the most hardy of the ministerial hirelings, if these are no grievances." (Edmund Burke in Hansard, XVI. 722.)

<sup>1</sup> Ibid., 741-755.

tinguished him especially from other men was the perfect serenity of his temper. The bitterest assaults never threw him off his guard, or provoked him to use an angry word. The imperturbable impassiveness of his equanimity, while it kept him secure for the most vigorous use of his own powers, gave him the advantage of the irritation and heat into which it was apt to tempt his adversaries. The good humor and apathy with which he received their taunts was so much like contempt as to exasperate and prompt to imprudence. Yet this singular amiableness of nature was anything but an unmixed good to him. On the contrary, it is now known that it was his devoted personal attachment to the obstinate King that led to the most blamable and deplorable faults of his public life. Long after the time when, to his sensible view of things, it was manifest that the further prosecution of the war in America was but useless butchery, he allowed himself to be persuaded by the King's personal appeals to be a partner in the crime.

The affairs of America demanded the new minister's early attention. At the close of the last session of Parliament, the action on the proposal of Governor Pownall, who was better informed than any other member of Parliament respecting the tenor of thought in America, had not indicated a fixed indisposition to listen to the Colonial complaints. The Grafton Ministry was divided, and had not pledged itself to a hostile policy.<sup>1</sup> The Circular Letter of Lord Hillsborough, though in a lofty and ungenial strain, had created in the Colonies a reasonable hope that they were henceforward to be treated with more consideration.<sup>2</sup> The English merchants, injured in their

<sup>1</sup> In his manuscript autobiography the Duke of Grafton contradicted the statement in Lord Hillsborough's circular that the action of the Cabinet, at its meeting of May 1, 1769, was unanimous. The Duke said

that on the question of excepting teas from the repeal, the votes stood only five to four. (Mahon, History, V. App., p. xxxvii.; Memorials and Correspondence of Fox, I. 119.)

<sup>2</sup> Lord Hillsborough wrote: "The

business by the non-importation agreements in America, were urgent for the repeal of the obnoxious law. Lord North was well disposed to any measure of relief which might be consistent with the permanent maintenance of the alleged right of Parliament to lay taxes on the Colonies. But that was a right which, in his judgment, could not be surrendered, but which must, on the contrary, at all events be affirmed, and used sufficiently to keep the pretension alive. In introducing his measure, he <sup>1770.</sup> said: "I heartily wished to repeal the whole of <sup>March 5.</sup> the law, . . . if there had been a possibility of repealing it without giving up that just right which I shall ever wish the mother country to possess, — the right of taxing the Americans. But I am sorry, heartily sorry, to say that the Colonies, so far from deserving additional instances of tenderness, did not deserve the instance then shown: for their resolutions became more violent than ever; their associations instead of supplicating proceeded to dictate, and grew at last to such a meridian of temerity that administration could not for its own credit go as far as it might incline to gratify their expectations. . . . The properest time to exert our right of taxation is when the right is refused. The properest time for making resistance is when we are attacked. To temporize is to yield; and the authority of the mother country now unsupported is, in reality, relinquished forever. . . . I am for retaining our right of taxing America, but of giving it every relief that may be consistent with the welfare of the

administration is well disposed to relieve the Colonies from all 'real' grievances arising from the late acts of revenue. And though the present Ministers have concurred in the opinion of the whole legislature, that no measures ought to be taken which can derogate from the legislative authority of Great Britain over the Colonies, yet they have declared that they have at no time entertained a

design to propose any further taxes upon America for the purpose of a revenue; and that it is their intention to propose, in the next session of Parliament, to take off the duties upon glass, paper, and colors, upon consideration of such duties being contrary to the true principles of commerce." (Hutch., Hist., III. 252.)



mother country; and for these reasons I move, 'that leave be given to bring in a Bill to repeal so much of the said Act as lays duties upon glass, red lead, white lead, painters' colors, paper, pasteboards, mill boards, and scale boards, of the produce or manufacture of Great Britain, imported into any of his Majesty's Colonies in America.'"<sup>1</sup>

Governor Pownall (who is said to have reported his own speeches) replied at great length. To Lord North's motion he proposed an amendment, embracing "a total repeal in every part of this Act [Mr. Charles Townshend's Act] which relates to the laying duties on goods and manufactures imported into America." Though he professed "not to wish a repeal as an American measure," but rather in consideration of the exigencies of British commerce, he took occasion to show that the Americans had been arrogantly and wantonly oppressed, and that it was mere justice to them to withdraw impositions which "they suffered and endured with a determined and alarming silence."<sup>2</sup> Mr. George Grenville declined to vote with or against the new Ministry on the amendment. "I cannot," he said, after a few words of condemnation of the action against his Stamp Act, — "I cannot, on the one hand, suppose that a partial repeal of the present tax will reduce the Colonies to temper, nor, on the other, by forcing government into a total repeal, can I suppose we have sufficiently provided for the dignity of the nation." General Conway and Colonel Barré took part in the debate. "I considered the Stamp Act," said the former, "I consider the present tax, as an illegal burden placed upon the shoulders of the Americans. They are not even virtually represented amongst us; and when we suspected their loyalty without cause, they doubted of our affection, of our equity, with reason. I am therefore for the entire repeal." Colonel Barré threw out a new suggestion:

<sup>1</sup> Hansard, XVI. 854, 855.

<sup>2</sup> Ibid., 855-870.

“As a speedy rupture between England and its old enemies is far from improbable, administration would act wisely in reconciling our domestic divisions and regaining the confidence of America before an event of that nature happens to render their situation additionally perplexing.” Mr. Pownall’s amendment was rejected by only 204 votes against 142. Lord North’s new government was not yet consolidated, and some even of his own colleagues voted against him. Mr. Welbore Ellis and Lord Barrington (Governor Bernard’s friend) voted both against the amendment and against the bill.<sup>1</sup> Another attempt was made to bring up the question, but it was at least doubtful whether, after the action which had been taken, a further consideration was in order at the same session; and with a comment of derisive brevity on the part of the Minister, it was put aside.<sup>2</sup> The question of present action for the British Parliament was now in point of fact narrowed down to the question of the constitutionality of the duty on tea; but the principle of a right to tax the Colonies was affirmed by the most emphatic and solemn legislation.

<sup>1</sup> Hansard, XVI. 870–874.

<sup>2</sup> Ibid., 928, 929.

## CHAPTER IX.

NOTWITHSTANDING the unfriendly temper which had just been shown in the British Parliament, there was now in Massachusetts a prospect of less turbulent times. The removal of the regular troops from Boston had taken away one of the immediate causes of irritation; the other had been narrowed down to the unjust imposition of a small duty on a single article of merchandise; and to this there was at present no plan of oppugnation, except through an agreement, which there was an endeavor to make general, to use no tea.<sup>1</sup> If tea ceased to be drunk, the obnoxious Act would be defeated without violence or illegality of any kind, because American merchants would not pay for the passing through the custom-house of an unsalable commodity, and English merchants would ultimately be coerced into soliciting the repeal of a law which prevented their doing business with the Colonies. Such was the reasonable calculation of those patriots who were most active in the movement. But the practical difficulty, where the existing grievance was felt so little, was to create a sense of the existing danger such as

<sup>1</sup> April 26, 1770, the last day of the spring session of the General Court, "the following Resolve passed, namely: Whereas by an Act of Parliament a duty is levied upon foreign teas imported into this Province, with the express purpose of raising a Revenue upon his Majesty's subjects here without their consent,

upon which account the use and consumption of foreign teas is prejudicial to the true interest of the Province, *Resolved*, that the members of this House will use their utmost endeavors to prevent the use and consumption thereof in the several towns to which they belong."

should secure some unanimity in an agreement which, with anything much short of unanimity, would be ineffective. And the discouraging fact was that after mutual complaint between the different Colonies of violation of the engagement, it ceased to be thought binding upon any of them.<sup>1</sup>

Nevertheless, when mutual distrust and displeasure had been brought to such a degree of excitement, it could not be expected that there should be a long pause from dispute, unless the encroaching party should give proof of a willingness to accept the situation, and act for the future with a better temper and more justice.

According to Governor Bernard's last prorogation of the General Court of Massachusetts, it would have come together in Boston at the beginning of the 1770. year after his departure. As that time approached, Hutchinson prorogued it for two months longer, still to meet at Boston, and subsequently to a day still later, then to meet at Cambridge.<sup>2</sup> The ostensible reason for holding the Court at Cambridge, to the serious inconvenience of the Jan.

<sup>1</sup> "The dispute rose to that height before the end of the year 1770, that some of the Colonies came to a resolution to dissolve the agreement. It was then to no purpose for the rest to stand out, and a free importation was proclaimed in all." (Hutch., Hist., III. 330-332; Biography of William Palfrey, in Sparks's American Biography, XVII. 365, 366.)

<sup>2</sup> Hutchinson received from the English Secretary of State a signification of the King's pleasure that the Assembly should be further prorogued to the 14th of March, and it was accordingly prorogued, then to meet at Boston; but before that time arrived, there came a further signification of the King's pleasure, that it should be held at Cambridge, unless the Lieutenant-Governor had more weighty reasons for holding it at

Boston than those which were mentioned, by the Secretary of State, against it. Hutchinson says he was not able to offer such reasons as he had any ground to suppose would justify him with the King, and that he, therefore, considered the instruction tantamount to a peremptory order. (Hutch., Hist., III. 280.) Respecting this liberty to act on his own discretion, Bernard wrote to his Lieutenant (Dec. 5, 1769): "It was judged that measure would greatly contribute to . . . the separating the country Representatives from the Boston faction. . . . You might quote it as a positive order; for, as you are not at liberty to communicate the Secretary of State's letters, . . . the discretionary power which is given you need not appear." (Letters in the Sparks Collection.)

members and the College, existed no longer when the troops had been withdrawn from Boston. The real reason could not be avowed without giving offence and provoking disagreeable discussion. In all probability this reason was understood, or at least suspected. But if not so, the case was no better; for then the removal of the Court from the capital town, its usual and suitable place of meeting, would appear but as an act of vindictive or capricious unfriendliness.

The Court came together for its first meeting with the  
1770. new Chief Magistrate, irritated by the unexpected  
March. and unexplained change. In his opening speech he informed them that what he had done was under “such instructions as made it necessary.” The House replied, the same day, that they considered it “their indispensable duty to remonstrate . . . . against any such reason for proroguing this Court.” And they represented the inconvenience to the College of a session of the Court within its walls, and to the members of sitting where they could not be well accommodated, and where they were absent from their Records. The Lieutenant-Governor answered that he must be governed by his instructions, which he should disobey if he should remove the Court to Boston. The next day the House sent a message to the Council, urging the grounds of the remonstrances which they had addressed to the Lieutenant-Governor, and bespeaking a concurrence in their proceeding. To this request the Council acceded, but the Lieutenant-Governor was not to be moved from the position which he had taken. The House asked him for a copy of the instruction to which he had referred, and were told that he was not at liberty to furnish it. They repeated their remonstrance, and were referred by him to the issue of the same dispute in Governor Burnet’s administration; and it was plain that it would be unavailing to urge him further, and the House disposed of the question for the present by passing

a series of Resolves, in which they protested, *in perpetuam memoriam*, that they proceeded to business, "under this grievance, only from absolute necessity;" and that their doing so was "by no means to be considered, at any time hereafter, as a renunciation of the claim of the House to the legal right of sitting in General Assembly at its ancient place, the Court House in Boston."

So passed the first ten days of the first session of Hutchinson's rule. Several months had now gone by since he had come to the place of Chief Magistrate of the Province; and in ungracious terms, which how-  
ever natural were not judicious, he reminded the <sup>1770.</sup>  
<sup>April.</sup> House that they had made no provision for his support, while his whole time had been "taken up in public business to the neglect of all private affairs," and his expenses had been greater than those of any of his predecessors. For the present, the Representatives replied that they did "not think it proper to postpone the business of the Government now lying before them for the purpose of considering that grant."

After a further delay sufficient to indicate their ill-humor and their sense of power, and after voting down proposals for larger sums, they granted him five hundred and fifty pounds "for his past services, and to enable him further to carry on the affairs of this government." He had before disoblged them by disapproving their choice of John Hancock to be their presiding officer for the rest of the session, in the place of their Speaker, disabled by illness. Of this, however, they took no notice, further than to proceed at once to another choice.

In his communications with the General Court, the Lieutenant-Governor had abstained from all allusion to the tragedy which, when it met, was the subject of all men's thoughts. The House found an opportunity to refer to it, when he called their attention to "a very disorderly riotous transaction" said to have taken place

in the fishing town of Gloucester.<sup>1</sup> The Lieutenant-Governor had been informed that a servant of the custom-house there had "been most inhumanly treated for seeking redress in the course of the law, for former injuries received;" and he submitted to the Court the question whether any legislative action was necessary for strengthening or encouraging the executive powers of government.<sup>2</sup> When more than a fortnight had passed, the House in reply sent him a long message, in which, after expressing their abhorrence of all disorderly and riotous transactions, and their opinion "that the laws now in being, duly executed, would be fully sufficient" for their suppression, they passed to a large exposition of the dangers and evils incident to "a military force, if posted among the people without their express consent; . . . much more, if designed to execute a system of corrupt and arbitrary power, and even to exterminate the liberties of the country." They averred that they saw no reason for singling out the alleged recent transaction in Gloucester for the consideration of the legislature, when it could not "be more threatening to government than the enormities notoriously committed by the soldiers of late." They commented at length on the oppressive policy of the British Government in sending troops among them, and on the intolerable mischiefs which had resulted, and which were to be apprehended, from it. "When complaints are made of riots and tumults," they said, "it is the wisdom of government, and it becomes the Representatives of the people especially, to inquire into the real causes of them; if they arise from oppression, as is frequently the case, a thorough redress of grievances will

<sup>1</sup> According to Hutchinson's information (Hist., III. 283), a custom-house officer in Gloucester, named Saville, "had been tarred and feathered, and otherwise barbarously used." He prosecuted his assailants,

who were convicted and fined. He was "seized a second time, and more cruelly used than before;" and a magistrate interposed to no purpose.

<sup>2</sup> Journal of the House for March 15 - April 17, 1770.



remove the cause, and probably put an end to the complaint. . . . Your Honor cannot think we can very particularly attend to things of lesser moment, within the jurisdiction of the executive courts, at a time when, in faithfulness to our constituents, our minds are necessarily employed in matters which concern the very being of the Constitution."

Hutchinson had not anticipated this solemn arraignment. One of the topics of the message was an express censure of his own official course, accusing him of misconduct and wrong to the Province, in respect to arrangements for the quartering of the troops in the second preceding year. A vindication of himself from this charge made the chief subject of his reply. For the rest, he said, "no advantage can arise from my engaging in a controversy with you." The end of the legislative year was close at hand, and he dissolved the Court.<sup>1</sup> Such was his experience of the last Legislature which was chosen before his formal accession to the head of the Government.

The paramount question at present in issue was whether the Court should be compelled to sit in some place other than Boston. The peremptory decision of this question was an ill-judged and unfortunate measure of the weak Earl of Hillsborough. The object contemplated by him, however reasonable for his purposes, was obstructed rather than advanced by that measure, since it provoked the large body of waverers to take the side of opposition. If he had suffered the reason which governed him to be alleged, this would have been an affront. To withhold it was to place himself at a disadvantage, by allowing it to seem dictated by the mere wantonness of ill-humor and arrogance. When he had issued his instruction, it could not well be retracted, for this would have been apparently to yield to the adverse argument,

<sup>1</sup> Journal of the House.

and to recede from the claim of prerogative. But so long as it remained unretracted, the sense of injury on the other side was settled and intensified. Though, in the Minister's instruction, as Hutchinson regarded it, he had a good defence for his persistency, he could probably have excused himself for giving some latitude to the discretion which it allowed him, and reading it with a less rigorous interpretation. But Hutchinson was out of humor, and enjoyed his opportunity of disobliging and vexing his opponents.

The Court was for a time inflexible on the disputed point, but at length the firmness of the other party prevailed. <sup>1770.</sup> <sup>May.</sup> The first act of the newly chosen Representatives, after electing their Speaker, was to remonstrate against that summons of the Lieutenant-Governor which had brought them together at Cambridge.<sup>1</sup> They urged that their only legal place of meeting was Boston; that in no instance had their predecessors acquiesced in any other construction of the charter; that whatever might be the force of "instructions or orders from any authority inferior to that of the whole legislature," they could not be pretended to be of force sufficient to override a law; and that even were this otherwise, and were it a prerogative of the Crown to determine the place of meeting of the legislature, still it must be regarded as "a discretionary power," and could not be rightfully used, as in the present instance, for the embarrassment of the Assembly in their proper duties, the injury and prejudice of their constituents, and the "invasion of private property" in the occupation of the buildings of Harvard College. The Committee in charge of the Remonstrance having reported that it could not

<sup>1</sup> The Chairman of the Committee which framed this Remonstrance was James Bowdoin. He had been elected into the House this year in

the place of James Otis, who was now dropped by reason of his growing infirmities.

“now be presented, his Honor not being in the chair,” and the charter making it unavoidable to choose Counsellors at once, the House performed that duty, but not till after resolving that they “proceeded to the said election of Counsellors at this time only from necessity.” The Lieutenant-Governor denied their request to be transferred to Boston. “I cannot remove the Court from Cambridge,” he said, “until I know more of his Majesty’s pleasure than I do at present;” but “if you desire me to adjourn or prorogue the Court to any other place in Cambridge than the College, I will immediately do it, and to such place where you may be best accommodated.” The instruction which he alleged was again asked for, and again refused. An animated correspondence, carried on through more than three weeks, led to no other result, nor to any prospect of agreement.<sup>1</sup> The Lieutenant-Governor professed himself unshaken in his views, and the House was equally obstinate, refusing to proceed to any other business as long as they were kept in Cambridge, though the Lieutenant-Governor, in opening the session, had told them of the need there was for the speedy consideration of it. Resolved not himself to give way, and satisfied that the House was immovable at present in its determination to remain inactive, the Lieutenant-Governor gave them a recess for a month. The House, with but three dissenting voices, ordered a full vindication of the course which they had taken to be published for the information of “the people without doors.”

<sup>1</sup> In his message of June 7, the Lieutenant-Governor said: “In 1747 or in 1748, when the Court House in Boston had been consumed by fire, the major part of the then House of Representatives was averse to rebuilding it, and disposed to build a house for the General Court in some town in the country. . . . The House, upon the question whether a

grant should be made for rebuilding the Court House in Boston, was equally divided. and I, being then Speaker of the House, gave my casting vote in favor of the town. . . . I was then the servant of the town. . . . I now consider myself as the servant of the Crown.” (Journal of the House.)

1770.  
June.

The month's separation, and its opportunities for conference with their neighbors, produced no alteration in the judgment of the members of the Court. "The people without doors" thought with them. The Representatives, reassembled, sent an oral request  
 1770. July. to the Lieutenant-Governor, that he "would be pleased to remove the General Assembly to its ancient and legal place." He vindicated his refusal to do so in a long speech which he had prepared in writing. The House obtained a copy, which having read the same day, they resolved to "adhere to their resolution in the last session; namely, that it is by no means expedient to proceed to business while the General Assembly is constrained to hold the session out of the town of Boston;" and this determination was reaffirmed by a unanimous vote, and was persisted in during the few days that the session lasted. After another very full argument on both sides, the Secretary announced "his Honor's pleasure that this Great and General Court be prorogued to the fifth day of September next, then to meet at Harvard College in Cambridge."

During this session the Ministry in England had not been inattentive to the attitude of Massachusetts, nor doubtful that forcible measures of suppression were timely and expedient, and would prevail. An order in Council directed that the rendezvous of his Majesty's ships, stationed in North America, should be in the harbor of Boston, and that the fortress should be put into a respectable state of defence and garrisoned by the King's regular troops.<sup>1</sup>

<sup>1</sup> On being apprised of this, with the comment that "the Ministers had declared war against Boston," Lord Chatham wrote that it was "a most melancholy piece of information. . . . This poor country seems doomed to the worst species of ruin, that wrought by her own hands, by oppressing, as foolishly as cruelly, the source of our greatness, the devoted Colonies. How pregnant is error! And what a fatal progeny one false step in policy, the stamp duty, has brought forth!" (Chatham Correspondence, III. 468.)

After a further prorogation during the recess, the House began its next session with the customary request to the Lieutenant-Governor to be allowed to sit in Boston. He, as usual, refused it, but now modified his refusal by saying that by a new instruction he was no longer confined to the town of Cambridge, and was willing to meet the Court at some other town. And thus, at last, he had his way. The inconvenience sustained by the Province from the suspension of all its legislative business proved too great for the longer endurance<sup>1</sup> of all but that smaller portion of the community who had made up their minds that upon this subordinate and questionable point anything was better than submission; and against the unanimous report of a Committee of which the Speaker was Chairman, and against a large minority of their own body, in which the names of Samuel Adams, John Hancock, and Joseph Hawley were recorded,<sup>2</sup> the House, after "a protest against the constraint the General Assembly was under," now decided "to proceed to the public business," but "only from absolute necessity, and in order to inquire into the state of the Province, and radically to redress grievances."

<sup>1</sup> A letter of William Palfrey to Wilkes, of Oct. 30, 1770, suggests a further reason for this inconstancy: "The Lieutenant-Governor, thinking the House would still persist in their resolutions not to proceed to business at Cambridge, was determined to strike a stroke which would intimidate them. By a Law of this Province, if the House does not make provision to discharge the public debts, the Governor has a right to direct the Treasurer to issue his warrant for the whole debt. During the altercation for two years past, the Tax Bill, among many others, had been neglected, and the Province debt very considerably increased. The

Treasurer, by direction of the Governor, issued his warrants for the whole Province debt, which amounted to the enormous sum of £96,000 lawful money, equal to £72,000 sterling. These warrants were artfully distributed to the several Counties just before the meeting of the Assembly, and had such an effect upon the country members, that when they met, a majority appeared for proceeding to business."

<sup>2</sup> The next week (October 16) John Adams and James Warren, members who were absent at the time of the vote, with the leave of the House, "declared their opinion against the Resolution."

Before this vote was taken, the two Houses kept "a day of solemn prayer and humiliation."

It was not to be supposed that the triumph which the proud Lieutenant-Governor had won, would tend to abate his arrogance, or that the reluctant submission to which he had brought the Representatives would incline them to regard him with more good-will. The session which was now opened was filled with mutual annoyances. The Representatives complained to the Lieutenant-Governor that he had given to regular troops, commanded by an English officer, the occupation of the Castle in Boston harbor, of which by the charter the Commander-in-Chief of the Province was Governor. He said that he had been instructed from the King to garrison the fort in this way, but that he had not thereby divested himself of the command, and that he had no doubt that he should be able to vindicate his conduct if ever he should be called to account for it. He complained that while "his Majesty's fifth instruction to the Governor required him to observe that in the passing of all laws the style of enacting the same be 'by the Governor, Council, and House of Representatives,' and no other," the Court presumed to add the words, "in General Court assembled, and by the authority of the same."<sup>1</sup> The House replied that the latter words were "of substance and necessary," and had been constantly and invariably used in the passing of laws from the beginning of the charter until within thirty years past. Considering, as they said in their Resolve, that "this Province, in common with the other American Colonies, labors under many great and insupportable grievances, and have reason to fear that other difficulties, still more alarming, are meditated against them," they prayed the Governor to appoint a day of solemn humiliation and prayer. "I cannot approve," was his answer, "of a proclamation founded upon the reasons which you

<sup>1</sup> See p. 57, n., *supra*.

have expressed, and I know of no good purpose which will not be fully answered by the proclamation which I have already issued. You did not know that I had issued it when you passed your vote; otherwise I flatter myself you would not have desired me to issue any other."

They informed him that they had "heretofore viewed with concern the deplorable state of the militia of this Province, but had hitherto refrained from any public mention of it, lest some misconstruction should be put upon it." He assured them that it should "meet with all due attention," and added an expression of his "hope they would join with him in further effectual provision to enforce that due obedience to the orders of the Captain-General and of the military officers under him, which is absolutely necessary to render the militia of any service, which orders in some late instances have been disobeyed." "For his support, and to enable him to carry on the affairs of the government," they made him a grant of three hundred and twenty-five pounds, of which, at the time, he took no notice. The Council proposed to join with the House in appointing as agent in Great Britain "some person of fidelity and abilities, and of a thorough acquaintance with the constitution and circumstances of the Province;" but the House preferred rather to have an agent of their own, and they committed that trust to Benjamin Franklin, of Pennsylvania, by a majority of votes over Arthur Lee, of Virginia, who was chosen to act in Franklin's stead in case of his death or absence. The House raised "a Committee of Correspondence, to communicate such intelligence as may be necessary to the agent and others in Great Britain, and also to the Speakers of the several Assemblies through the continent, or to such Committee of Correspondence as they have or may appoint." When the material business of the Province had been attended to, and the time approached when a prorogation was expected, the House



again presented the grievance of the banishment of the Court from Boston. It was again prorogued for two months, and thereafter, by successive prorogations, to the 3d of April following, again to meet in Cambridge.<sup>1</sup>

<sup>1771.</sup>  
<sup>April 3.</sup> As so often before, the House began its session by asking for a removal of the Court "to its ancient and legal seat, the Town-House in Boston." In his opening speech Hutchinson informed them that he had been appointed Governor of the Province. Andrew Oliver had at the same time been made Lieutenant-Governor, and Thomas Flucker, formerly a Counsellor for several years, Secretary. When Hutchinson was informed that this promotion was intended for him, he resolved to decline it, in consideration of the difficulties by which he was surrounded and threatened; and he wrote to England accordingly. But his letters did not arrive till his commission was made out; and when it reached his hands, "the advice of so unexpected a mark of favor," he says, "with the assurances given him by his friends of support as far as should be in their power, together with the abatement of the tumultuous, violent spirit which had prevailed, caused a change of his former determination."<sup>2</sup> It had been the uniform usage on such occasions to present an Address of congratulation and welcome to the new Governor. But the House now refused to pay the compliment. Instead, they voted to repeat in a written message the request which the day before they had sent orally. The Governor replied: "I must tell you in the most explicit terms that I cannot remove the Court to Boston." He had endeavored, he said, to remove obstructions to that arrangement,<sup>3</sup> but in vain. If there were no other

<sup>1</sup> Hutchinson (Hist., III. 332) says that at this time four or five months passed away in Massachusetts Bay, more quietly than any other like space of time for seven years before.

<sup>2</sup> Hutch., Hist., III. 288, 290, 333.

<sup>3</sup> The context, I think, explains that his endeavor had consisted in his attempt to influence them to withdraw that legal claim of theirs, which, in his view, constituted the obstruc-

obstruction, their denial of the right of the Crown to determine their place of meeting was an insuperable one ; and if they declined, as formerly, to proceed to business, he should, without delay, put an end to the session.

The House determined to proceed to business, though not till after some opposition, and not till a variety of matters of routine had received attention. The formal answer to the Governor's opening speech, which was delayed for three weeks, gave the Representatives opportunity to say : " We are unwilling to admit the belief that when the season for calling a new Assembly agreeably to the charter shall arrive, your Excellency will continue an indignity and a grievance so flagrant, and so repeatedly remonstrated by both Houses, as the deforcement of the General Assembly of its ancient and rightful seat." They granted him five hundred and six pounds " for his services as Lieutenant-Governor," and thirteen hundred pounds for his " support " as Governor, and to enable him to carry on the affairs of the Province. Not learning whether these grants of theirs, as well as a grant in the preceding session, had been accepted, they sent him a message, on a motion of Samuel Adams, " to pray that he would be pleased to inform the House whether any provision was made for his support as Governor of the Province, independent of his Majesty's Commons in it." He informed them that he was " urged by many gentlemen " to take up his residence in the Province House, his own dwelling being inconvenient of access for the numerous persons who had business with the Governor, but that the Province House required repairs to make it suitable for his occupation. At first they refused to entertain the application, and on a reconsideration only acted upon it partially and grudgingly. For Commissary of the forts and garrisons of the Province, they elected successively

tion. " Whilst you continue to urge in Boston, I may not ask his Majesty's leave to carry you there."

Thomas Cushing (their Speaker), John Hancock, and Samuel Adams. The Governor as often disallowed their choice, and they put off further trial to the next legislative year.<sup>1</sup> From first to last the communications between Hutchinson and this Court had indicated a strong mutual disgust. In his message on the day of dissolving the Court, he said that his duty to the King had forbidden his approval of the grant of three hundred and twenty-five pounds in the preceding session; and he added, referring to the inquiry of the House whether any provision had been made for his support independent of their grants, that he was informed that Parliament had "determined it to be expedient to enable his Majesty to make a certain and adequate provision for the support of the civil government in the Colonies," and that when he should receive the full instructions on the subject which he was expecting, he would communicate such part of them to the House of Representatives as he should think for his Majesty's service. Meanwhile, with a levity which was not common with him, he said he thought their constituents would not blame him for relieving them of the cost of his support.

The new Court, though still convened at Cambridge, began its service in a manner more auspicious of  
1771. future harmony than of late had been witnessed.  
May. After choosing its Clerk and Speaker, the House raised a Committee "to remonstrate to his Excellency the Governor the many great inconveniences and injuries that must attend the holding the General Assembly out of the town of Boston." Cushing, the Speaker, was chairman of the Committee. The other members were James Otis, Samuel Adams, John Hancock, and Daniel Leonard of

<sup>1</sup> April 23 and 24, the House made grants of £750 to the estate of Dennis de Berdt, for his services as agent of the House for two years and six months, and of £300 to William Bollan, as agent of the Council for a year from July 12, 1769.

Taunton ; the last a friend of the Governor. Before the election of Representatives this spring, John Adams had become disqualified for representing Boston by transferring his residence to Braintree ;<sup>1</sup> and the opportunity had been used for reinstating Otis, whose malady appeared to have abated for the time,<sup>2</sup> and whose popularity was proof against decay. The remonstrance omitted the disturbing topic of the alleged illegality of the Court's sitting elsewhere than in Boston, and urged the request for a removal to "its ancient, usual, and only convenient place" on the grounds of convenience to the members of the Court and others, of the discontent of "the people in general" with the present arrangement, and the "restoration of that harmony between the several branches of the Assembly which is so earnestly to be desired by all good men." The Governor courteously replied that he would represent to the King the inconveniences which were complained of, and endeavor to have every obstacle to their wishes removed.

In his opening speech he said : "The account which I thought myself warranted to transmit to England the last fall of the general disposition in the people of the Province . . . gave the greatest satisfaction to his Majesty." He called the attention of the House to the necessity of protecting against intruders the King's timber in the eastern country, and to the demoralized state of the militia, which might be thought to require some further legislation. The House replied that, in their opinion, their constituents had always deserved to be favorably represented to the King, though they were "with abundant reason discontented with the Acts of Parliament for raising a revenue in America ;" and "this uneasiness had been grossly misrepresented by the enemies of the Province, as a mark of disaffection to his

<sup>1</sup> Life and Works of John Adams, II. 255.

<sup>2</sup> Ibid., 260, 261, 263.

Majesty's government. As to the alleged intrusions on the King's forests, some, they said, were "in consequence of grants made by the General Assembly of this Province; and if there were others, they would be sufficiently restrained by the existing laws, provided these were properly enforced. The militia, they thought, would be in a satisfactory condition if the Governor would but have regard solely to the necessary qualifications of the persons appointed to the military command."

The Speaker, James Otis, John Hancock, and Samuel Adams were again made members of a Committee "to prepare a protest against the present convening and holding the General Assembly at Harvard College." The protest, without reviving the argument, which Otis did not consider tenable, that this arrangement was in violation of law, denounced it as being dictated, according to the Governor's declaration, not by the Governor's judgment, but by a royal instruction. From the reason of the case, and from the historical precedents of England, it insisted that "neither proclamation nor instruction ought to have any such force [any legal force] either in regard to the Governor or the subject here."<sup>1</sup> And as to the Governor on the spot, to whom, and not to the government in England, the discretion belonged, the danger of an abuse of it by him would be the more alarming should he cease to be dependent for his support on the free grants of the people.

Another dispute in this session arose on the question  
1771. of payment to the Province's agents in England.

June. The House made grants to the heirs of its late agent, De Berdt, and to Bollan, agent for the Council.

July. The Governor refused his consent, having been instructed, as he said, to allow no grants to agents for the separate branches. Another question related to the liability to taxation of the English Commissioners for

<sup>1</sup> In regard to the validity of instructions, see p. 237, n., *supra*.

the collection of the customs. By virtue of the annual tax-bill passed by the House, they were assessed for their incomes by the magistrates of the towns, in like manner as other citizens. Under an instruction from the Crown, the Governor said he could sign no tax-bill which did not exempt the Commissioners; and he sent them, at their request, a copy of the instruction. After reading it, the House said: "The reason you were pleased to assign for withholding your assent to the Tax Bill is surprising and alarming. We know of no Commissioners of his Majesty's customs, nor of any revenue his Majesty has a right to establish in North America. We know and feel a tribute levied and extorted from those who if they have property have a right to the absolute disposal of it. . . . We know no reason, nor any semblance of reason, why the Commissioners, their superior or subordinate officers, who are equally protected with the other inhabitants, should be exempted from paying their full proportion of taxes for the support of government within this Province." The Governor's objection had brought up anew the great question of the validity of instructions. The House argued that there was no force in a royal instruction to overrule their "full power and authority," given by the royal charter, "to impose and levy proportionable and reasonable rates and taxes upon the estates and persons of all and every the proprietors and inhabitants of this Province."<sup>1</sup>

The House designated the Speaker, Samuel Adams, James Otis, John Hancock, and Captain (afterwards General) William Heath, to be "a Committee of Correspondence to communicate such intelligence as may be necessary to the agent and others in Great Britain, and also to the Speakers of the several Assemblies through the Continent, or to such Committee of Correspondence as they have or may appoint." On what they understood

<sup>1</sup> Journal of the House; Hutch., Hist., III. 314-349.

was to be the last day of their session, they sent a message to the Governor requesting that he "would be pleased to give the Assembly an opportunity to come together the beginning of October next." He was not to be advised on that matter, and he only replied: "Gentlemen of the House of Representatives, I shall always consult his Majesty's service as to the time of meeting the General Assembly, and govern myself accordingly." In a message of the House to the Governor, and a speech of the Governor to the Court on the last day of the session, the House argued their right and that of the Council to have each an agent in Great Britain chosen by itself, without that concurrence of the Governor which would be necessary to the appointment of an agent for the Province; and the Governor maintained the validity of royal instructions as a guide to the course which, under instructions, he had taken in respect to compensation to agents and to the place of holding the Court. In respect to his disallowance of the tax-bill on account of its bearing on the Commissioners, he said that he thought it would be more convenient for them to have the objection to it stated while that objection could be at once removed, than to have it enacted and sent to England, there to be repealed by the King, as it was unquestionably liable to be by the charter.

This Court was not called together, as the House had desired, early in the autumn,<sup>1</sup> but only a little before the

<sup>1</sup> Hutchinson relates (Hist., III. 347) that in the autumn of 1771 his customary proclamation for an annual Thanksgiving was ill received. Most of the Boston ministers refused to read it to their congregations, and several in the country. The Reverend Mr. Cook, uncle of Governor Hancock, took for his text on this occasion these words from the book of Nehemiah (ix. 36, 37): "Behold, we are servants this day, and for the

land that thou gavest unto our fathers to eat the fruit thereof and the good thereof, behold! we are servants in it; and it yieldeth much increase unto the kings whom thou hast set over us because of our sins; also they have dominion over our bodies, and over our cattle, at their pleasure, and we are in great distress." "We were therein called upon to give thanks for the continuance of our Civil and religious



time when its legal term of service was to expire. 1772.  
 At the opening of the session, which again was April.  
 held at Cambridge, the House voted not again to make the request, proposed now only in the most forbearing language, "that, in consideration of the many inconveniences which attended the sitting of the General Assembly there, it might be adjourned to its ancient, usual, and only convenient place." The Governor introduced the subject into his speech, by announcing that he should now have been at liberty to make the removal had it not been claimed as a matter of right. "If," said he, "you shall desist from it [the claim of right], and the removal of the Court to Boston shall, for other reasons, be judged expedient, I have authority to acquaint you that his Majesty will allow me to comply with your wishes." But the Court had no mind to withdraw from the ground which it had taken in respect to the validity of royal instructions, nor even explicitly to retract, though they were willing to abstain from urging, the old interpretation of the law said to designate the place for legislative sessions; and the Governor's ingenious overture led to nothing but an explicit reassertion of the doctrine respecting royal instructions, and a renewal of the assertion of the sensibility of the House to "a very great grievance, which they hoped would soon be fully redressed." In a copious argument, set forth in moderate terms, the Governor, in his speech on dissolving the Court, defended the view on which he had acted respecting the force of instructions to a colonial Governor from the King.

privileges, and for the increase of our trade and commerce. Such a palpable affront to people who are daily complaining of the abridgment of their liberties and the burthens upon their Commerce, gave universal disgust, and the proclamation was treated with greater contempt than anything of the kind had ever before

been in this part of the world. Out of twenty Congregations in this Town it was read but in one, and even there by far the greater part of the people signified their contempt by leaving the Church the moment the Parson began to read it." (Letters of Palfrey to Wilkes, of October 30 and November 20.)

Two days before the assembling at Cambridge of the  
<sup>1772.</sup> new General Court for its spring session, the  
<sup>May.</sup> voters of Boston, at a town meeting, instructed  
 their Representatives<sup>1</sup> as to the conduct expected of  
 them in the existing state of affairs. By illegal taxation,  
 they said, “we are degraded from the rank of free sub-  
 jects to the despicable condition of slaves. . . . We  
 have the highest reason to believe that a part of the  
 very money unjustly taken from us is applied to support  
 him [the Governor] in a state of independence of the  
 people over whom he presides. . . . He considers him-  
 self bound to obey instructions sent to him from the  
 other side of the Atlantic. . . . By an instruction our  
 legislative body are restrained from meeting at their an-  
 cient and established seat. . . . By an instruction our for-  
 tress Castle William, built and for a long time supported by  
 the Province for its defence, has been delivered to troops  
 over whom the Captain-General of the Province has de-  
 clared he has no control. . . . Under the influence of  
 an instruction the Governor has refused his consent to a  
 tax-bill for defraying the necessary charges of govern-  
 ment, because such persons as the British Minister was  
 pleased to point out were not expressly exempted from  
 bearing their due proportion of said tax. . . . An in-  
 struction is pleaded for refusing the grant for the pay-  
 ment of our agent at the Court of Great Britain. Thus  
 we are to be cut off even from complaint.” And they  
 directed their Representatives to exert their utmost in-  
 fluence, in the Court about to assemble, for the redress of  
 these and other wrongs; and especially to promote a full  
 and plain representation of them to the King; “pleading

<sup>1</sup> The Representatives of Boston were Thomas Cushing, Samuel Adams, John Hancock, and (for the first time) William Phillips. Mr. Phillips took the place of James Otis, who was now disabled, and with-

drawn from public life. There appears to have been a trial of strength with the party of prerogative at this time, and Adams was returned by only 505 votes out of 723.

with him with that freedom and firmness which the justice of the cause and the exigencies of the country demand ;” and to this end, to procure the enacting by the whole legislature of a law for compensation to agents, and failing in this, “to obtain a Resolve of the House for a brief for raising a sum sufficient for the defraying the charges of an agency.”<sup>1</sup>

The first subject to receive the attention of the House, after the choice of its officers and of Counsellors, was again its absence from its “accustomed ancient place” for meeting. To their “earnest request” to be transferred thither, the Governor now replied that, though it was impossible to agree with them in their opinion of his obligation in the matter, yet he would take it into consideration ; “and if it shall not,” he continued, “appear to me necessary for his Majesty’s service and the good of the Province to continue the Court in some other place than the town of Boston, I will comply with your desire and remove it there.” The first result of his consideration appeared in a proceeding which on further thought he viewed with regret. He desired the House to explain whether, in their expression of the opinion that there had been no necessity for convening the Court at Cambridge, they had referred to its first removal from Boston or to the repetition of that measure in the present year. Whatever was the purpose in this inquiry, the House embarrassed him by their brief reply the same day that they did not see their language to have been equivocal, and that they had no explanation of it to give. He told them as promptly that he thought the uncertainty which he felt as to their meaning would be a sufficient justification for his refusal to do anything. And so the matter rested for ten days. But this hasty judgment did not commend itself to his mature reflections. He laid the question and his instructions in respect to it before the

<sup>1</sup> Proceedings of the Mass. Hist. Society for January, 1871, pp. 9-12.

Council, who were only too happy to advise him unanimously that he was at liberty to comply with the desire of the House.<sup>1</sup> And so the protracted and punctilious controversy came to an end. Without further reference to the past, or any explanation of the cause of his altered views, the Governor adjourned the Court to Boston.

But the dispute which principally occupied the government during this session, was upon the lawfulness of the Governor's deriving his maintenance from any other source than grants of the General Court of the Province. Understanding "that his Excellency had not given his consent to a bill passed both Houses the last year for granting the sum of £1,300 for the support of his Majesty's Governor," the House sent him a message "praying that he would be pleased to acquaint the House whether provision was made for the support of his Majesty's Governor of this Province otherwise than by the Acts and Grants of the General Assembly." They had to repeat the request before they got an answer; and even then it came tardily, on the day of their adjournment to Boston. It was that the King had made provision for him, as he had informed them, more than a year before, that Parliament had enabled him to do.

The House raised a Committee to report on his message containing this avowal, and sent a copy of it to the Council for their consideration and action. They accepted the report of their Committee to the effect that the charter of the Province was a contract between the Province and the King; that one stipulation of it was that the Province and not the King should maintain the Governor, which agreement they had punctually and liberally fulfilled; that this dependence of his on the Province was an essential security for the Province's freedom; and that a Governor otherwise provided for was not such a Governor as the Charter prescribed, "and consequently not,

<sup>1</sup> Hutch., Hist., III. 357.

in that respect, such a Governor as the people consented to at the granting thereof." They adopted a series of Resolves, embodying these doctrines, and protesting that "the innovation is an important change of the Constitution, and exposes the Province to a despotic administration of government." And they sent a copy of the Resolves to the Governor, with a request that he "would make application to his Majesty that he would be graciously pleased to give further orders whereby the Governor might without any restraint receive his support from this government according to ancient and invariable usage." The report was accepted, and ordered to be entered at length on the Journal, by a majority of 85 votes to 19. In his answer, which came the same day as the prorogation of the Court, the Governor declined to make the desired application to the King, for reasons set forth by him in a copious argument, in which he considered himself to have proved that their theory of the provincial government and their objections to royal grants to Governors were indefensible.<sup>1</sup>

The Court was prorogued for only seven weeks, but later prorogations put off its second meeting into the following year. Meanwhile events of importance had been taking place abroad. Lord Hillsborough, the Secretary of State for the Colonies, had resigned, — dissatisfied, it was said, by a royal grant which had been made to Dr. Franklin and others of a tract of land beyond the Ohio,

<sup>1</sup> Journal of the House. The Governor again brought up (July 2, 13) the unprotected condition of the King's woods in Maine; but the House would give it no attention. They were still more disrespectful to him on another occasion. He represented to them (July 13) "the ruinous state of the Province House," rendering it unfit for his occupation. They were not displeased by the opportunity to reply (July 14) that,

whenever they should have a Governor "at liberty to accept of his whole support from this Province," they should be "ready to provide for him a house not only tenantable but elegant," but that they saw no reason for putting themselves to charges "for the residence of any Governor for whose support adequate provision should be made in another way."

but quite as probably discouraged by his ineffectual attempts to reduce the Colonies, and the unsatisfactory state, in general, into which colonial affairs had fallen. It appears to have been at about the time of his retirement, and the appointment of his successor, Lord Dartmouth, that the plan was resolved upon for a provision in England of the maintenance of the Judges of Massachu-

1772  
Oct. setts as well as of the Governor. News brought to Boston that their salaries were thenceforward to be paid by the Commissioners of the Customs there, produced a vehement sensation. At a town meeting, the insolent oppressiveness of such a scheme, and the manifold usurpations which it would threaten, were vividly portrayed, and an address was sent to the Governor inquiring whether he had information as to the fact of its being entertained. He replied that it would not be proper for him to communicate to a town his correspondence with his superiors on the administration of the Province. They prayed him, in view of the present exigency, not to delay the meeting of the Court beyond the day to which it now stood prorogued. He told them that he had already determined otherwise, and he saw no reason for departing from his purpose; the less, as he would not give encouragement to towns to suppose that it belonged to them to advise respecting the Governor's exercise of his discretion as to provincial legislation.

The town then proceeded to a vigorous measure, with a special view to which it is not unlikely that this meeting was convened. They raised a Committee, consisting of twenty-one persons, to draw up a formal statement of the rights of British colonists and of the encroachments upon them on the part of successive British ministers. This statement embraced the causes of complaint which have heretofore been specified, and declared that as to such acts of encroachment as were professedly authorized by Acts of Parliament, the alleged

authority of Parliament did not exist and was merely pretended and usurped. A unanimous vote of the town directed that the statement should be printed and published;<sup>1</sup> and especially that a copy of it should be sent to every town in the Province, and to each Representative for the year, accompanied by the request for a careful consideration of the views therein presented, to the end that, if approved, they might be a basis for combined and united action. "Let us consider, brethren," — with such exhortation did the town address them, — "we are struggling for our best birthrights and inheritance, which being infringed renders all our blessings precarious in their enjoyment and consequently trifling in their value. Let us disappoint the men who are raising themselves on the ruin of this country. Let us convince every invader of our freedom that we will be as free as the Constitution our fathers recognized will justify." The result was that a large number of towns (estimated by the Governor at not fewer than a third part of the whole number) immediately held meetings, and pronounced themselves — some of them in still more animated terms — to be in accordance with the declaration from Boston.

These proceedings, regarded by the Governor as suited and designed to influence the action of the coming Assembly by influencing the minds of its members directly and through their constituents, gave him serious concern.

<sup>1</sup> "The Votes and Proceedings of the Freeholders and other Inhabitants of the Town of Boston," &c. The pamphlet contains the Report (presented November 20) of the Committee (appointed November 2). It is composed of three parts. The first is a statement of "the rights of the colonists and of this Province in particular" under their several relations "as men," "as Christians," and "as subjects." The second is a "list of infringements and violations

of rights," digested under twelve heads. The third is the "Letter of Correspondence to the other towns." An appendix contains the correspondence between the Governor and the town. Hutchinson imagined Franklin to be the "great director" of these proceedings. (Hist., III. 364, 365; comp. Sparks's Works of Franklin, I. 349; IV. 381.) He does not explain why he thought so, but there can be little doubt that he was in error.



1773.  
Jan. Resolving to anticipate their effect, he addressed to the Assembly, when at length he allowed it to meet, a large exposition of his own opposite views. The first moment that he was informed of the presence of a quorum of the House, he sent for them to listen to a speech, in which, after adverting to the necessity imposed by existing circumstances for breaking the silence which he had observed for several years, he proceeded to a long argument in support of the supreme authority of the Parliament over the plantations. The House received from him a copy of his speech, and referred it to a Committee, of which the Speaker, Samuel Adams, Mr. Hancock, Mr. Hawley, and Mr. Bowers (repeatedly rejected by the Governor as a Counsellor), were members.

When the Committee's preparation for a Report was well advanced, it was convenient to have official confirmation of the fact that the Judges were now provided for independently of any allowance from the Province, and the House made grants to the Judges considerably larger than had been their custom. They had received no new information on the subject when the Committee presented their Report. By copious argumentation from history, from the principles of constitutional law, and from the reasons of the case, they controverted the views which the Governor had presented and urged in his speech. He had thought to embarrass them by affirming that to deny the supreme authority of Parliament over the Colonies was to assume colonial independence. Their vigorous good sense foiled him. "If," they replied, "your Excellency expects to have the line of distinction between the supreme authority of Parliament and the total independence of the Colonies drawn by us, we would say it would be an arduous undertaking, and of very great importance to all the other Colonies. And therefore, could we conceive of such a line, we should be unwilling to propose it without their consent in Congress."

The House, learning from the Secretary that the Governor had not approved their grants to the Judges, inquired of him what the hindrance was. “The people without doors,” they added, “are universally alarmed with the report that salaries are fixed to the offices of the said Justices by order of the Crown.” He replied that the King had ordered the allowance of such salaries, but that he did not know that warrants for their payment had been issued. The House expressed to him their hope that he would “very soon be able to assure them that the Judges will utterly refuse ever to accept of support in a manner so justly obnoxious to the disinterested and judicious part of the good people of this Province, being repugnant to the charter, and utterly inconsistent with the safety of the rights, liberties, and properties of the people.” He said that he was unable to give them any information on the subject. After debate, they renewed their grants to the Judges for the year. This act brought a message from the Governor to the effect that he withheld his assent to it, because he had information of the Judges being already provided for by the King.<sup>1</sup> This avowal gave occasion to the Representatives to pass a series of Resolves, in which, after expounding the right and duty of the Court by the provincial charter, and by the principles of the Constitution, to have the sole charge of the maintenance of the Judges, and affirming that rule to be “essential to the impartial administration of Justice, and one of the best securities of the Rights, Liberties, and Properties of the people,” they concluded with declaring, “as the opinion of this House, that while the Justices of the Superior Court hold their Commissions during pleasure, any one of them who shall accept of and depend upon the

1773.

Feb.

1773.

March.

<sup>1</sup> Probably it was this message which occasioned the votes of the House on two later days (February 25, March 5) for “an humble peti-

tion to the King for the redress of grievances,” and a letter to Lord Dartmouth on the same subject.

pleasure of the Crown for his support, independent of the Grants and Acts of the General Assembly, will discover to the world that he has not a due sense of the importance of an impartial administration of justice ; that he is an enemy to the Constitution, and has it in his heart to promote the establishment of an arbitrary government in the Province." These Resolves, passed in the last week of the session, closed the present action of the House upon the subject. The Judges had their warning, and for the present nothing remained to be done.

The Governor was not content to leave the question respecting the supremacy of Parliament in the posture into which it had been brought by the answer of the Representatives to his speech when he met them for this winter's session. After a delay of more than three weeks, he resumed the discussion in separate addresses to the two branches of the Court. To the Council, whose comparatively brief though not less significant reply he understood to be principally the work of Mr. Bowdoin, he addressed an argument which was much expanded in his strictures on the answer of the House, believed by him to be the work of Hawley, Samuel Adams, and John Adams, though the last-named was not then a member of the House. In a copious historical review he undertook to show that the British Colonies, Massachusetts included, were, and throughout their history (except during the "anarchy" of the seventeenth century) had been held to be, subject to "the supreme authority of the realm," — in other words, of Parliament, — and that the opposite pretension was but a rash fiction of recent date. In their elaborate reply they took issue with him on this cardinal point, denying and disproving by his own methods of discussion that, though subjects of the King, they were "under the jurisdiction of Parliament."

Little time remained for the Governor to attempt to enforce his doctrines. He recapitulated them in his

speech at the prorogation of the Court. His superiors in England were perhaps not pleased with the result of the controversy. At any rate, they did not think that his introduction of it had been discreet. And the Minister instructed him not to revive it, but, on the contrary, "to avoid any further discussion whatever upon those questions, the agitating of which had already produced such disagreeable consequences."<sup>1</sup>

<sup>1</sup> The compensation to the separate agents of the Council and the House continued to be a question. The two branches endeavored to obtain it (House Journal for July 14, 1772; Jan. 7, Feb. 23, March 3, 5, 1773), but the Governor pleaded his instruction against paying any but an agent for the Province. The point here was that a provincial agent could only be appointed with his concurrence, and therefore would not be such a person as could be relied upon in the Province's complaints to the King against the Governor.

The Governor and the House seem both to have already turned their thoughts to the use which might

eventually be made of the military force of the colony. (Journal of March 5; comp. Hutch., Hist., III. 390.)

The uninhabitable condition of the Province House provided a subject for occasional bickering. The Governor said he presumed that by the King, should the House continue to refuse, "provision will be made for the decent residence of the Governor." (Journal for February 2, 19.) The House, disavowing any motive of "personal disrespect," replied that as things stood in respect to his pecuniary independence of them, he would have to look in that direction.

## CHAPTER X.

THE action of the town of Boston in respect to the constituting of Committees of Correspondence, and the consequent action of the General Court of Massachusetts, <sup>1773</sup> became known in Virginia by private communication before the intelligence reached that Province through an official channel.<sup>1</sup> The General Assembly of Virginia came together soon after; and the House of Burgesses adopted the plan, and raised a Committee, consisting of eleven of its members. It does not appear that, before this action of Virginia, the plan, which proved so important in its consequences, had obtained consideration anywhere out of Massachusetts. Men already or

<sup>1</sup> I have the letter quoted by Hutchinson (III. 392, note) as "from a gentleman of distinction in Virginia." It was written to William Palfrey by Benjamin Harrison, afterwards a member of the Colonial Congress, a signer of the Declaration of Independence, and father of William Henry Harrison, President of the United States. Acknowledging the reception of this letter, Palfrey wrote (April 11): "The agreeable contents I immediately communicated to our Committee of Correspondence, who thought them of so great importance to the common cause that they sent a printed extract of the letter and copy of the Resolves to all the corresponding towns and Provinces. The concurrence of the respectable Province of Virginia cannot fail to add great

weight to the opposition to ministerial measures, and such a formidable union will make the adversaries of our freedom tremble. I should enlarge on this head, but the subject will be more fully treated in a letter from Mr. Adams to Richard Henry Lee, Esq., which will doubtless be laid before you."

The action of Virginia was quickened by intelligence which had reached that Province, of the measures which had been taken in England in consequence of the destruction in Rhode Island of the King's ship, the *Gaspee*; especially the authority which had been given to the King's Commissioners to send to England for trial persons suspected of having been concerned in that transaction. (See below, p. 511.)

afterwards of the first note — Peyton Randolph, Carter Nicholas, Richard Bland, Richard Henry Lee, Benjamin Harrison, Edmund Pendleton, Patrick Henry, Dudley Digges, Dabney Carr, Archibald Carey, and Thomas Jefferson — composed the Virginia Committee.

1773.

On the third day of their next session, the Representatives of Massachusetts,<sup>1</sup> by 109 votes against 4, adopted a series of Resolves, in which they commended "the wise and salutary Resolves of the House of Burgesses in Virginia," and determined to raise "a standing Committee of Correspondence and Enquiry" of their own, charged "to obtain the most early and authentic intelligence of all such Acts and Resolutions of the British Parliament or proceedings of administration as may relate to or affect the British Colonies in America, and to keep up and maintain a correspondence and communication respecting these important considerations, and the result of such their proceedings from time to time to lay before the House." The motion for the Resolves was made by Mr. Samuel Adams. The Committee, chosen by ballot, consisted of the four Boston members, with Joseph Hawley of Northampton, James Warren of Plymouth, Elbridge Gerry of Marblehead, and eight other prominent Representatives.<sup>2</sup>

May.

At this time of strong excitement against Hutchinson and his friends, the Representatives obtained an advan-

<sup>1</sup> Governor Hutchinson thought that he had entitled himself to the gratitude and good will of Massachusetts by his services in a commission from which he had lately returned, for determining an unsettled question of boundaries between that Province and New York. (Hutch., Hist., III. 391, 392; comp. Journals of the Representatives of Massachusetts for May 27, June 10, 17, 1773, Jan. 26, 27, 1774.) But the Representatives were not now in a mood for compliments to him.

<sup>2</sup> This, says Hutchinson (Hist., III. 397, 398), "was an act which ought to have been considered as an avowal of independency, because it could be justified only upon the principle of independency. A stand made at this time by government in England . . . might have had the happy effect of restoring peace and quiet, or otherwise must have removed all doubts of the real designs of the leaders of the people."

tage of which they did not fail to make the most effective use. By means which still remain unknown, Dr. Franklin, their agent in London, came into possession of a number of letters sent from New England at different times during the last six years. They contained representations unfavorable to the leaders in public movements there, and occasional suggestions of the course proper to be pursued by the Ministers to put down the existing and growing disaffection. The writers were Hutchinson and Andrew Oliver (now Governor and Lieutenant-Governor); Robert Auchmuty, Admiralty Judge; Charles Paxton, a Commissioner of the Customs; Thomas Moffatt, a Custom-House officer at New London; George Rome, an English merchant, resident at Newport; and one Nathaniel Rogers, who had a negotiation with Oliver with a view to succeeding as Secretary should the latter, as was expected, be appointed to the second place in the government. The letters of Hutchinson and Oliver were, of course, the most important, by reason of the posts held respectively by their authors, both now and at the times when they were written. But the other letters were also relied upon as showing the information and the advice from New England which had prompted the offensive measures of the Ministry in recent years.

The formal business of the opening of the session had scarcely been transacted when (the galleries being first cleared) Mr. Samuel Adams "acquainted the House that  
1773. he had perceived the minds of the people to be  
June. greatly agitated with the prevailing report that letters of an extraordinary nature had been written and sent to England greatly to the prejudice of this Province; and that he had obtained certain letters with different signatures, with the consent of the gentleman from whom he received them that they should be read in the House under certain restrictions; namely, that the said letters be neither printed nor copied, in whole nor in part." The



House, having heard them read, resolved itself into a Committee of the Whole, and by 101 votes against 5 adopted the Report of the Committee of the Whole, that the letters "tended and were designed to overthrow the Constitution of the government, and to introduce arbitrary power into the Province;" and a Committee was appointed by ballot "to report what may be proper to be done thereon."<sup>1</sup> The Governor, hearing of these proceedings, sent the Secretary with a message desiring that they might be laid before him, and that he might be informed to what letters the House had referred. The House replied by sending him a transcript of its proceedings, and by promising that the dates of the letters should be furnished, provided he would "order to be laid before this House copies of all the letters of the same dates written by his Excellency relating to the public affairs of this Province;" a condition which they subsequently withdrew, requesting, in its stead, that he would send them copies of letters written by him on the days of which the letters in their possession bore the dates. In his reply he said that he could not submit his private letters to them without impropriety, nor his public letters without violation of official duty; that if publicity was their object, the originals affirmed to be already in their hands would be more proper for that purpose than the copies; that, if genuine, all but one were written before he came to the government; that they were written in express confidence to a personal friend; and that "they contained nothing more respecting the constitution of the Colonies in general than what was contained in his

<sup>1</sup> Hutchinson thought (Hist., III. 395) that these letters "had remained six or eight months in the Province without so much as a whisper concerning them." But, according to Franklin's statement, they were not transmitted by him till Dec. 2, 1772,

and they were not received in Boston till about March 24, 1773, two or three weeks after the General Court had been prorogued. (Sparks's Franklin, IV. 416; comp. VIII. 27, 49, 50, 81, 89.)

speeches to the Assembly, and what he had published in a more extensive manner to the world."

A Committee raised "to consider of some means honorably to make this House fully possessed of the letters communicated by Mr. Adams under certain restrictions," reported that "Mr. Adams had acquainted them that, having conversed with the gentleman from whom he received the letters which he communicated to the House on the 2d of June, he is authorized to inform the House that the said gentleman consents (as he finds that copies of said letters are already abroad, and have been publicly read) that the House should be fully possessed of them to print, copy, or make what other use of them they please; relying on the goodness of the House that the original letters be returned (in their own time), they retaining attested copies of the same for their use." And Mr. Adams, being called upon, declared the same in the House. Whereupon it was ordered, "That the Committee appointed to consider what may be proper further to be done respecting the said letters, do sit forthwith and report as soon as may be."

On the report of this Committee the House proceeded to found a series of Resolves. They passed lightly over the letters, except those of the Governor and Lieutenant-Governor. They characterized the letter of Paxton, which related to the flight of the Commissioners to the Castle after the seizure of Mr. Hancock's vessel, the *Liberty*, as "a most wicked and injurious representation, designed to inflame the minds of his Majesty's Ministers and the nation, and to excite in the breast of our Sovereign a jealousy of his loyal subjects of said town, without the least grounds therefor, as enemies of his Majesty's person and government." Referring to the letters of Rome and Moffatt, they declared that it had "been the misfortune of this government, from the earliest period of it, from time to time, to be secretly traduced and maliciously

represented to the British Ministry by persons who were neither friendly to this Colony nor to the English Constitution." But Hutchinson and Oliver were the special objects of their attention. In a series of specifications spread over nine Resolves, the letters of these high officials were affirmed "considering the persons by whom they were wrote, the matters they expressly contain, the measures they suggest, the temper in which they were wrote, the manner in which they were sent, and the person to whom they were addressed," to have "had a natural and efficacious tendency to interrupt and alienate the affections of our most gracious Sovereign King George the Third from this his loyal and affectionate Province; to destroy that harmony and good-will between Great Britain and this Colony which every friend to either would wish to establish; to excite the resentment of the British Administration against this Province; to defeat the endeavors of our Agents and friends to serve us by a fair representation of our state of grievances; to prevent our humble and repeated petitions from having the desired effect; and to produce the severe and destructive measures which have been taken against this Province, and others still more so which have been threatened." And for these and other similar demerits of these magistrates, apparent from these letters of theirs, the House determined "to appoint a Committee to prepare and report an humble and dutiful petition to the King, . . . praying that his Majesty would be pleased to remove them forever from their places in this government." When the Report had been prepared, "the House was moved to refer the consideration thereof till the next session, in order that the members may have opportunity to consult their constituents;" but in a House of 86 members, the proposal for this delay obtained only 13 votes. The petition was forwarded to Dr. Franklin for

presentation, who was "directed to employ Arthur Lee, Esq., in London, as Counsel."

The Governor's Council had been made a party to the transaction. Copies of the letters were laid before that body by the House, and afterwards, on the request of the Council, the originals. And the latter Board passed a series of Resolves, expressing condemnation of them, in terms similar to what had been used by the Representatives.<sup>1</sup>

The Governor thought rightly that to prorogue the Court while his conduct was under its scrutiny, would be a proceeding liable to unfavorable construction. "While," he wrote to the House, "I was the subject of the debates occasioned by the letters, I did not think it advisable to give you any interruption. Now that you have come to your determination, I must remind you that you are near to the close of the fourth week of the session, and that you have done little or none of the business of the Court." The House replied in effect that, in their judgment, they could not have been better employed than they had been in the last weeks; and "we are clearly of opinion," they added, "that we are at present the sole judges of the time that is necessary for us to take in deliberating and determining upon all matters that may properly come under our consideration." At the beginning of the next week the Governor prorogued the Court.<sup>2</sup> But they used the short intervening

<sup>1</sup> See Hutch., Hist., III. 406-410, and MS. Journal of the Council in the office of the Secretary, State House, Boston, Mass., pp. 55-57, 61, 69, 76, 88.

<sup>2</sup> The question of the right of the Council and of the House to employ and compensate each its agent in England, not an agent for the Province, did not sleep, but remained unadjusted. (Journal of the Representatives for June 1, 9.)

In a consideration of future possibilities, the scant supply of powder and ammunition in the Province was a subject of concern to the Representatives (Ibid. for June 22), and they passed a bill (Ibid. for June 25; comp. Hutch., Hist., III. 390, note), which the Governor found no convenient reason for disallowing, "for furnishing the militia of this Province with twelve brass field-pieces."—He complained (June 28) of their in-

time to take another step forward in relation to the vexed question of the independence of the judges. On the Report of a Committee appointed "to take under consideration the independency of the Justices of the Superior Court," they had already passed a series of Resolves, the last of which affirmed that their accepting of and depending upon the Crown for their support, independent of the Grants and Acts of the General Assembly, will discover to the world that they have not a due sense of the importance of an impartial administration of justice, that they are enemies to the Constitution, and have it in their hearts to promote the establishment of an arbitrary government in this Province. They now resolved that "it is the incumbent duty of the Judges of the Superior Court without delay explicitly to declare whether they are determined to receive the Grants of the General Assembly of this Province, or to accept of their support from the Crown; and their delaying any longer to let the public know their determination thereon will discover that they have little or no regard for the quiet, the peace, and welfare of the Province; and by this means those who by their several offices should be the guardians of the public security and liberty, will no longer be the object of the confidence and esteem of the people; and in such case it will be the indispensable duty of the Commons of this Province to impeach them before the Governor and Council as men disqualified to hold the important posts they now sustain."

While such exciting transactions as have been related were in progress in Massachusetts, intelligence of a nature

introducing a new style in the engrossment of their bills, departing both from English and from American precedent by expressing the year of the King's reign in English words instead of Latin. They replied that it

was a matter of indifference to them, and that if he would cause the bills to be returned to their hands, they would, "to gratify him, recede from that which he was pleased to style an innovation."

to increase the agitation had been coming from the other side of the water. A principal subject which had claimed the attention of the English Parliament now in session, was the unprosperous condition of the East India Company. Enormous debts which that Company had contracted both in Europe and in Asia, so crippled them that, instead of continuing the punctual payment of an annual subsidy of four hundred thousand pounds for which they were under engagements to the government, they found themselves compelled to apply to the government for a loan.<sup>1</sup> A series of debates on their affairs and on methods of affording them relief,<sup>2</sup> led Lord North to the proposal of a measure which proved decisive of the fate of the pretension of Parliament to lay taxes on the King's subjects in America. Though the non-importation agreements in America had never fully accomplished their purpose, and the endeavor to enforce them had now ceased, there was no doubt that they had very much affected the purchase of tea from England. Much of that article consumed in the Colonies was smuggled in from Holland and from other countries, and along with it were brought other commodities, with so much additional loss to the English exchequer. Meanwhile, for want of exportations to America, an immense stock of tea had accumulated on the hands of the Company in England. If a market could be opened for this, the Company would be relieved; and it occurred to Lord North that at the same time, by materially reducing the cost of it in America, he could carry the disputed point by a practical application of the Declaratory Act, and peaceably establish that precedent for taxing the Americans which would be so serviceable to the government when they should propose to lay heavier burdens hereafter. The Company now paid a duty of a shilling a pound on tea

<sup>1</sup> Hansard, Parliamentary History, XVII. 527-533, note.

<sup>2</sup> Ibid., 527-536, 559-568, 646-686, 799-837.

which they brought into England. The existing law laid a duty of threepence on each pound brought into America,—a duty which had proved to be unproductive, because the American merchants, on account of the odium which rested upon it, had not sufficient motive to import. Lord North proposed and carried two measures:

1. To remit to the Company the import duty of 1778.  
April. a shilling a pound on such portion of their teas as they should export “to any of the British plantations in America;” 2. To “empower the Commissioners of the Treasury to grant licenses to the East India Company to export teas to the British plantations in America, or to foreign parts,” on their own account.<sup>1</sup> By the first provision, while the American consignees, and so ultimately the consumers, would pay the duty of threepence a pound on tea brought into their country, it would be cheapened to them on the whole at the rate of a shilling a pound, on account of the drawback of a shilling a pound allowed to the Company on its importation from China into England. By the second provision, tea would be brought into the Colonies without being imported by American merchants, and therefore without any uncertainty arising from reluctance on their part, and without exposing them to the odium which such business had hitherto provoked. At an earlier stage of the controversy, before the connection of English freedom with the right of self-taxation had been so maturely examined, the measure might have had the success which it seemed now to promise. But it was now too late. The question was no longer what sort or measure of taxation might be submitted to, but only how the attempt to tax should be defied and defeated, in whatever degree and whatever form proposed.

<sup>1</sup> Hansard, Parliamentary History, XVII. 810, 811. Lord North said that the Company “had at present above seven million pounds by them.” (Comp. Sparks’s Works of Franklin, VIII. 24, 29, 30, 33, 48.)



It does not appear that this new scheme of the prime minister attracted immediate attention in America. The state of things there was in no sort affected by it until the East India Company should avail itself of the authority conferred on the Lords of the Treasury to license it to send tea to America on its own account, — a step which for some time it did not appear prepared to take.

1773. It was not till early in the autumn that Franklin,  
Sept. who in London was always on the watch, called the attention of his friends in Boston to the subject.<sup>1</sup> His letter, however, cannot have conveyed the first warning; for very soon after the earliest time when it can be supposed to have reached its destination, the speedy arrival of vessels freighted by the East India Company was looked for, and it was known who were the merchants to whom they would come consigned. Here was felt to be a turning-point. If the tea should be landed and passed through the custom-house, which could only be by a payment of the duty by the consignees, the British Ministry would have attained to a triumph in the long dispute. The ministry would be baffled for the present, and enfeebled, perhaps discouraged, for the future, if no tax was

<sup>1</sup> “To avoid repealing the American Tea duty, and yet find a vent for tea, a project is executing to send it from hence on account of the East India Company, to be sold in America, agreeable to a late act, empowering the Lords of the Treasury to grant licenses to the Company to export tea thither, under certain restrictions, duty free. Some friends of government, as they are called, in Boston, New York, Philadelphia, &c., are to be favored with the commission, who undertake by their interest to carry the measure through in the Colonies. How the other merchants, thus excluded from the tea trade, will like this, I cannot foresee. Their agreement, if I remember

right, was not to import tea till the duty shall be repealed. Perhaps they will think themselves still obliged by that agreement, notwithstanding this temporary expedient, which is only to introduce the tea for the present, and may be dropped next year, and the duty again required, the granting or refusing such license from time to time remaining in the power of the treasury. And it will seem hard, while their hands are tied, to see the profits of that article all engrossed by a few particulars.” (Franklin to Thomas Cushing, Sparks’s Works of Franklin, VIII. 86, 87; comp. 96.)

According to Hutchinson, however (Hist., III. 423), the intelligence was received a little earlier.

paid in America on the East India Company's tea. The pretension of America would be maintained.

A cursory retrospect, from this point, of the events of the time — not fifteen years — which had now passed since the conquest of New France and the accession of King George the Third to the throne of Great Britain, will show how groundless was the jealousy entertained by the British Ministry of an impatient desire for a breach with the parent government on the part of the people of Massachusetts; — how reluctantly, on the contrary, the latter approached the idea of a struggle for separation from England; how slow they were to be goaded into it even by gross ill-treatment; how ardently they desired a continuance of the union, if they could only have it without outrage and disgrace. It is true that at the distant period of the colonization a dream of ultimate independence had been cherished. But the reason for that extreme measure had been removed, first by the temporary defeat, and soon by the final expulsion from England, of the despotic Stuart dynasty; and no Englishman had more satisfaction and pride in the reform inaugurated by the Revolution of 1688 than those who dwelt in Massachusetts. Under the first Governors of royal appointment, Phips, Bellomont, Dudley, Shute, Burnet, Belcher, — her people, though sometimes disappointed and angered, had, on the whole, had their own way, prevailed in disputes which had arisen, and lived to their minds. Under Shirley and Pownall, especially in the last years of the French War, they had become honestly attached to England and Englishmen. When a system of oppression was entered upon by Bernard, they were surprised, grieved, and indignant; but it was not enough to estrange them, and they submitted peaceably to the abuse of Writs of Assistance, after a vain endeavor to escape from it by quiet legal process. They complained bitterly of the injustice and mischief of the Sugar

Act, but were not provoked by it to organized resistance ; so far from it, that in his letters to the government at home, Bernard commended the legislatures of that period for their good humor and conciliatory disposition.<sup>1</sup> To anything short of that direct taxation which was attempted in the Stamp Act, it appears that, though smarting under a keen sense of wrong, they would have yielded. Bernard seems to have been sustained by the facts, when in his reply to their petition to the King for his removal from his government, he declared that, till the Stamp Act, there had always been friendship between themselves and him ; and nothing could exceed the enthusiasm of their rejoicing when the repeal of that Act encouraged them to think that dissension between them and the parent country was to cease, — that they were not henceforward to be outraged, — that they were to be allowed to be at once English subjects and English freemen. Though afterwards, in their first surprise, they used warm language, as the offensive measures of the British Government succeeded each other, they as often fell back into a more amicable tone, and showed a friendly and only too hopeful reliance on the effect of friendly remonstrance. For six years, though much harassed and provoked meanwhile by acts of the scornful managers in England and of those ill-advised officials who represented them, they offered no opposition to the perfectly intelligible plans of Charles Townshend and Lord North for their oppression, except by their quiet agreements with one another to abstain from importations. Down to the time which the reader is now considering, it may be believed that there lingered a hope that a returning sense of justice or of prudence on the part of the British Government would bring about the repeal of what remained of the obnoxious system.

<sup>1</sup> *Supra, passim.* Out of mere sentatives substituted Andrew Eliot complaisance to Bernard, the Repre- for Cooper as their chaplain.

Against the resistance which it aroused both in America and in Great Britain, the Stamp Act had stood but a year. Mr. Townshend, who revived the policy, was dead. Lord North had materially abated the rigor of Mr. Townshend's Act; and for what (in contradiction, as he had avowed, to his personal wishes) he insisted on retaining, he had scarcely pleaded more than a vague point of honor. The circumstances of the recent defeat of Governor Pownall's attempt to obtain complete relief had not been such as absolutely to forbid the hope that on a repetition it would be successful. The effect upon English trade, and through it upon English legislation, of the agreements in America against the importation of merchandise, had as yet been only partially tried. It was possible that the recent discovery, through the publication of the letters of Hutchinson and others, of the malign influences under which the Ministry had been acting, might dispose the Ministry to a better temper in future. Such hopes were not utterly dispelled, however visibly the danger grew, as long as the measure remained unexecuted which was contemplated by Lord North's insidious legislation respecting the East India Company. But when vessels of that Company were known to be at sea, bringing cargoes which were to settle the question of the submission of the colonists, the long-cherished hope of a peaceable adjustment, whatever might happen to revive it hereafter, for the present had to be abandoned.

The Company had made arrangements to send its tea to four American ports, — Boston, New York, Philadelphia, and Charleston. In all of them alike the aim of the patriots was to prevent its paying a duty at the custom-houses, and for that purpose to cause it, if possible, to be sent back to England without being landed. At Charleston the consignees were induced to resign their trust, and the tea sent to them was brought on shore under

a guard, and stored in cellars, where at length it was ruined by damp. From Philadelphia and New York the consignees, satisfied that it would be imprudent to contend with the spirit which was abroad, sent back to England the tea-ships which arrived at those ports. The same method of proceeding was attempted in Boston, but

1773. not with the same success. A summons was sent  
Nov. to the consignees to come to the "Liberty Tree" on a certain day, and resign their trust in the presence of the people there assembled. They paid no regard to the notice, nor to a message which was sent to them by a Committee. Two days after, a meeting was held in Faneuil Hall, which sent a regular Committee of the town with the same request. The consignees replied that they were not prepared to consider it, as they had not received instructions from their principals. The meeting adjourned, after voting that the answer was a daring affront. Of the three Boston houses to which the tea was consigned, one consisted of two sons of the Governor.

The consignees sent a petition to the Governor and his Council, praying them to take measures for protecting the property, which they were willing to have landed and stored, without being exposed to sale, till they could receive further instructions from England. The Council, consulted by the Governor, hesitated as to taking any action on the subject, till, after three adjournments, the arrival in the lower harbor of one of the expected ships, named the Dartmouth, brought their deliberations to a close, and they unanimously advised the Governor against taking any measures of the kind applied for. At an immense meeting held the same forenoon at the Old South Church, it was unanimously resolved that no duty should be paid upon the tea, and that it should be sent back to the place whence it came. The consignees made to the standing Committee of the town the same proposal as had been rejected by the Governor's Council;

but they met with no better success in this quarter. The master of the vessel, making his appearance on shore, was required by the town's Committee to bring her up to town. He did so ; and the consignees, judging themselves to be in danger, withdrew to the Castle. Two other tea-ships which arrived later than the Dartmouth, lay by her side at a wharf on the eastern side of the town (now Russia Wharf). English men-of-war lay anchored in the harbor.

At the end of twenty days after its arrival, merchandise which had not paid the legal duties was liable to be seized. In making the seizure, the King's ships, if necessary, might be called upon for aid. If the tea brought by the ships now in Boston harbor were seized, it would be sold at auction, going thence into the channels of commerce, and the duty to which it was liable would be paid out of the proceeds. The time was close at hand when all this would be done. How to prevent it ? In two days more the British officers in Boston must not be able to find tea there on which to levy.

On the evening of December 16, the inhabitants of Boston were assembled in town-meeting at the Old South Church. The master of the tea-ship which had arrived first, had gone to the Governor's country-house at Milton to apply for a pass to prevent his being stopped at the Castle when he should put to sea to take his freight back to England. When the answer was brought back, which was that the Governor said that no pass could be legally given till a clearance had been obtained at the custom-house, it was after dark. Then a shout was heard without ; and a body of some fifty men, roughly dressed as Indians, passed down Milk Street to the wharf where the tea-ships lay. The meeting at the church was immediately dissolved, and a portion of the assembly, following, stood by as a guard against interruption, while the disguised party did their work.

They passed up from the holds of the vessels some three hundred and fifty chests of tea, broke them open with hatchets, and poured their contents into the dock. The next morning all was quiet. The doers of the bold act remained unknown.

The Governor was made painfully conscious of his helplessness. For two successive days he summoned meetings of the Council, but no quorum met. Three days after, he got them together at Cambridge, coming thither from the Castle, whither he had thought it prudent to go for security. But they gave him no satisfaction. One member said that opposition to the people would only stimulate them to further acts of violence; and another, that they had but taken the appropriate way to protect themselves against intolerable usurpation.

It was only six weeks after this incident that the General Court of the Province came together. But  
1774. Jan. the Governor, willing, as he says, "to avoid an undesirable answer,"<sup>1</sup> made no allusion to it in his opening speech. The Court, on its part, does not appear to have been deterred from its recent habit of self-assertion through any apprehension of consequences. In a single period the Governor informed the Court that he was "required to signify his Majesty's disapprobation of the appointment of Committees of Correspondence," — a proceeding which the House vindicated to him on the ground that, "while the common rights of the American subjects continued to be attacked in various instances, and at times when the several Assemblies were not sitting, it was highly necessary that they should correspond with each other, in order to unite in the most effectual means for the obtaining a redress of their grievances." The Speaker laid before the House letters received during the recent recess from the Speakers of the Houses of Representatives of New York, Pennsylvania, Delaware,

<sup>1</sup> Hutch., Hist., III. 441.



and Maryland. Letters had also come from the agents in England (Dr. Franklin for the House,<sup>1</sup> and Mr. Bollan for the Council), with whom, as well as with the other Provincial Assemblies, the Committee was charged to correspond, and a provision for whose payment continued to be urged by the two branches of the Court, — and continued to be urged in vain by reason of the opposition of the Governor. He held that the only agent to be paid for services in England must be one representing the whole Province, whose appointment required the assent of the Governor as one department of the Legislature. The Houses maintained that they had a right to agents who should appear for them when they had complaints against the Governor, or wishes opposed to his.

A Committee "to consider the state of the Province," appointed in the first week, gave special attention to the new position of the Judges, which turned out to be the chief subject of attention during the session.<sup>2</sup>

On the day after the appointment of this Committee, of which the Speaker, Mr. Hawley, and Mr. Samuel Adams were members, the Speaker read to the House a letter from Edmund Trowbridge, one of the five Justices of the Superior Court, in reply to that Resolve of the Representatives in the last session, which called on them

1773.

Feb.

<sup>1</sup> I have the original of Franklin's letter of Jan. 5, 1774, printed by Mr. Sparks on pp. 100, 101, of Vol. VIII. of his "Works of Benjamin Franklin." I observe some deviations from the original in Mr. Sparks's copy. An omission, not without interest, is that of the following periods at the close of the letter: "*We sincerely desire a good Agreement, and a Restoration of the ancient Harmony. Here nothing seems to be desired but our Submission. — Added to the other Advantages we have to expect from an Accommodation, there is this, that by keeping the Empire together, we are not only safer at present against*

foreign Force, but we secure the Reversion of the whole to ourselves; for in all human Probability the Seat of Government will in an Age or two be remov'd to our side the Water."

<sup>2</sup> At different times during the session (January 23, February 1, 5, March 8, 9), the House brought to the Governor's attention the insufficiency of the supply of powder. On the last day but one, they directed the Commissary-General "with all convenient speed to purchase at the expense of this Province five hundred barrels of gunpowder, for his Majesty's service, in the safety of the Province."

“explicitly to declare whether they were determined to receive the grants of the General Assembly of this Province, or to accept of their support from the Crown.”<sup>1</sup> Judge Trowbridge declared that hitherto he had received no allowance except that granted by the Court, and that he should pursue the same course for the future. The House resolved, that, unless the other Justices should make a similar satisfactory declaration within six days, it would “then have further proceedings on their conduct;” and it recited the Resolve of the last session, that in case of any delay of the Judges to make this declaration, it would “be the indispensable duty of the Commons of this Province to impeach them before the Governor and Council as men disqualified to hold the important posts they now sustain.”

Within the time assigned, three of the four other Justices — Foster Hutchinson, Nathaniel Ropes, and William Cushing — made satisfactory declarations, similar to that of Trowbridge. Peter Oliver, Chief Justice, faced the storm. He informed the House that during the seventeen years since his appointment, he had served the Province as a Judge to his great pecuniary loss; that he had been impelled to accept the salary granted by the King as an “incumbent duty from the respect and gratitude due to his Majesty,” from a sense of duty to his country, requiring him to apply to the duties of his office a mind undistracted by pecuniary cares, and “from a principle of justice to his family and to others.” As to an engagement respecting a future grant of a salary from the King, he said: “Without his Majesty’s leave I dare not refuse it, lest I should incur a censure from the best of sovereigns.”

Thus, the displeasure of the Court against the Governor and the Lieutenant-Governor having already exhausted itself for the present in the petition to the King for their removal, the alleged misconduct of the Chief Justice be-

<sup>1</sup> See above, p. 456.

came the next prominent subject of attention, and the rest of the session was mainly employed in a succession of assaults upon him. His letter was referred to the Committee "to consider the state of the Province;" and after three days the House, by 96 votes against 9, adopted the action recommended by their report. A Preamble reciting that the Chief Justice of the Superior Court of Judicature "perversely and corruptly . . . against the known sense of the body of the people of this Province," had received a salary "out of the revenue unjustly and unconstitutionally levied and extorted from the inhabitants of the American Colonies," was followed by Resolves that he had "done that which had an obvious and direct tendency to the perversion of law and justice," and had "rendered himself totally disqualified any longer to hold and act in the office of a justice of the said Court, and ought forthwith to be removed therefrom;" and "that this House will demonstrate to his Excellency the Governor and Council of this Province the said conduct of the said Peter Oliver, Esq., praying that he may not be suffered any more to sit and act in his office of Chief Justice, and that he may forthwith and without any delay be removed therefrom."

The Secretary came before the House agreeably to its order; and the Speaker acquainted him that the House had passed a remonstrance and petition, addressed to the Governor and Council, and directed him to deliver the said remonstrance and petition to his Excellency forthwith. A term of the Superior Court was to begin three days after; and lest, pending the action of the Governor and Council on the petition, the Chief Justice should "presume to sit and act," the House passed a Resolve, in which the Council concurred, to postpone for two days the sitting of the Court.<sup>1</sup> The Governor, acknowledging

<sup>1</sup> The Governor, however, withheld his consent to this arrangement, and it did not take effect. Subsequently (February 21) the House,

to have received from the Secretary "a writing purporting a Remonstrance" from the Representatives, informed them that, except in matters of inheritance and of marriage and divorce, the Council did not "make one Court of judiciary body with the Governor;" that accordingly it was for himself to decide whether he would advise with the Council on the subject of their petition; and that he could not, consistently with his duty or his safety, "take any steps in order to the removal of the Chief Justice from his place merely for receiving what was granted him by the King."

The Representatives, having informed the Council of this disposal by the Governor of their petition addressed alike to the Council and to him, to the end "that the Honorable Board might duly advise thereon and determine as in their own wisdom they should think proper," next, at the instance of their Committee "on the state of the Province," approached the Governor with a petition, in which, after assuring him that the paper which he had described as "purporting a Remonstrance" from them, was in truth theirs, "passed after the most mature deliberation by a very great majority in a very full house," they prayed him to reconsider his determination, and "take the advice of his Majesty's Council thereon." The whole House waited upon him with this petition, and presented it by the hand of the Speaker.

In a set speech to the House the Governor argued the question of his duty in the existing circumstances, and declared himself unshaken in the opinion which he had before expressed. On this, the House resorted to a new

still under the advice of the Committee "on the state of the Province," which directed all these questions, passed a Resolve, of which they sent a copy to Oliver, that, in their "firm opinion, it was highly improper, and contrary to usage and precedent, that the Chief Justice should sit in the

Superior Court, although the order for his removal is not yet actually passed by the Governor and Council." Oliver governed himself accordingly. He no longer took his seat on the bench, and informed the House (February 25) to that effect.

method of procedure. They resolved to impeach the Chief Justice before the Council for "certain high crimes and misdemeanors." The articles of impeachment, prepared with care, were adopted in the House by 92 votes against 8. They contained a full and formal statement of his acts of alleged misbehavior, and of the earlier proceedings for his removal, and ended by praying that he might "be put to answer to all and every of the premises, and that such proceedings, examinations, trials, and judgments might be had and ordered thereon, as might be agreeable to law and justice."<sup>1</sup>

By this time the Governor saw clearly some of the inconveniences which were to be apprehended from a continuance of the session of the Court; and by way of preparing them for a prorogation, he advised them to give all the despatch possible to such necessary business as might yet lie before them, inasmuch as he had received discretionary leave from the King to go to England, and intended to avail himself of it as soon as his service would admit. The House sent a Committee to give him the information, which at his request they put into writing, that they had prepared articles of impeachment, which they prayed him to be in the chair to receive. The Governor replied in a message that the Governor and Council had no legal authority as a Court to try impeachments, or "any species of high crimes and misdemeanors," and that, "while such process as they had attempted to commence should appear to him to be unconstitutional, he could not show any countenance to it." Having read his Message, the House immediately directed their Committee to "carry up the articles of impeachment, . . . and pray that the Governor and Council would appoint a time for hearing and determining thereon." The Governor purposely absented himself from the Council Chamber. But the managers of the

<sup>1</sup> See above, Vol. IV. 300.

prosecution for the House were not to be so baffled. Mr. Samuel Adams, their Chairman, opened his business with the words, "May it please your Excellency and the Honorable Council," and being interrupted by a Counsellor with a correction of his apparent oversight, he said that the Governor was presumed to be present, and, proceeding on this presumption, he reported to the House for his Committee that they had discharged their duty by impeaching the Chief Justice "before the Governor and Council."<sup>1</sup> The Council informed the Governor that these articles had been presented, and desired him to make arrangements for proceeding with the trial. But he answered that he should go out of his province if he followed their advice, and that they had exceeded theirs in giving it.

The Committee "on the state of the Province" recommended, and the House agreed, that in consideration of the obstacle interposed by the Governor to a process of impeachment, and "to prevent any doubts or delays or advantages being taken, on account of mere informality, the same Articles of Charge and Complaint against the said Peter Oliver, Esq., be exhibited to the Governor and Council in another form." The new form, carried up by a Committee, was but a transcript of the Articles of Impeachment, with a substitution at the close, for the words proper to an impeachment, of a prayer that the Chief Justice might be "notified to make answer to the Charges contained in the foregoing Articles, and be brought to a hearing and trial thereon; that if he be found guilty thereof he may, by the Governor and Council, be forthwith removed from his said office, and some other more worthy be nominated and appointed in his

<sup>1</sup> Naturally this increased the Court of Impeachment, and confirmed Governor's apprehension that the his conviction of the necessity for a House would prevail on the Council speedy prorogation. to sit, independently of him, as a

stead.”<sup>1</sup> The Governor and Council took no action upon it. The House sent up another message, again exposing the erroneous view which the Governor had presented of his obligation in this case, and concluding with the words: “When we complain, we cannot even be heard; we have yet the pleasure of contemplating that posterity, for whom we are now struggling, will do us justice, by abhorring the memory of those men ‘who owe their greatness to their country’s ruin.’” And they dismissed the subject with the Resolve “That this House have done all that in the capacity of Representatives of the people in this Court can be done, for the removal of Peter Oliver from the seat in the Superior Court; and it must be presumed that the Governor’s refusing to take any measures therein is because he also receives his support from the Crown.” The Governor sent the Secretary with a message to prorogue the Court. The House kept its doors closed against him till it had finished some matters of business, — among others, an order to the Committee of Correspondence “to write and transmit letters to the other Colonies and to Dr. Franklin, relating to the Chief Justice his receiving a salary from the Crown.” Governor Hutchinson never again met a General Court of Massachusetts.

Before this prorogation, two events of interest to the Province, but as yet unknown in it, had taken place on the other side of the water. The relation of the more important of them belongs to a future chapter; the other was the result of the petition for a removal of Hutchinson from his government. Franklin sent to the Earl of Dartmouth the Address of the Representatives of Massachu-

<sup>1</sup> “The Report of the Lords’ Committees appointed by the House of Lords,” printed in a separate volume, brings down to this point an account of “the several proceedings in the Colony of Massachusetts Bay in opposition to the sovereignty of his Majesty in his Parliament of Great Britain over that Province, and also what hath passed in this House relative thereto from the first day of January, 1764.”



setts, with a request that it might be laid before the King,  
1774. and in due time a day was appointed for a hear-  
Jan. ing before the "Committee of the Privy Council  
for Plantation Affairs." Israel Mauduit, on his petition,  
was permitted to appear for the defence with counsel,  
for which service he selected the Solicitor-General Alex-  
ander Wedderburn (afterwards the Lord Chancellor Lough-  
borough). Franklin had for counsel Mr. John Dunning  
(afterwards Lord Ashburton) and Mr. John Lee (afterwards  
Solicitor-General). The President of the Council and  
thirty-five Lords were present at the hearing. The  
authenticity of the letters complained of being admitted  
by the defence, though only attested copies were produced,  
the prosecutors argued that the charges founded upon  
them by the Representatives of Massachusetts were suffi-  
ciently sustained, and that their petition for the removal  
of the Governor and Lieutenant-Governor was reasonable  
and should be granted. Mr. Wedderburn maintained that  
the Governor had "enjoyed the people's confidence, to the  
very time of the arrival of these letters;" that the let-  
ters, so far from being justly offensive, "contained the  
strongest proofs of Mr. Hutchinson's good sense, his great  
moderation, and his sincere regard to the welfare of that  
his native Province;" that they were all "written before  
the time when either of these gentlemen were possessed  
of the offices from which the Assembly now ask their re-  
moval;" and that, instead of what was alleged of "the  
tendency of these letters to incense the mother country  
against her Colonies," no endeavors had been spared for  
several years on the part of agitators in Massachusetts  
to create that alienation,<sup>1</sup> and that Hutchinson was ma-  
ligned and prosecuted by them on account of the steady-

<sup>1</sup> Wedderburn supposed Franklin 112-115.) He had probably been  
to be the author and mover of the led to this opinion by Hutchinson,  
transactions at the Boston town who afterwards expressed it in his  
meeting of November, 1772. (Let- History (III. 365).  
ters of Governor Hutchinson, &c.

ness and vigor of his exertions to hinder that result. But the most emphatic part of his speech was what was aimed directly against Franklin, whom, in the most impassioned terms, it charged with theft in obtaining the letters which he had sent to Boston.<sup>1</sup> This charge, and that of alleged circumstances relating to the act, and aggravating its criminality, he pressed at much length, and with the use of all his extraordinary power of invective. And he further endeavored to discredit Franklin by suggesting that he was prompted by an ambition to succeed to Hutchinson's place. The Lords of the Committee, who repeatedly, during Wedderburn's speech, had been moved to loud laughter by his witty sallies, reported that the petition of the Representatives of Massachusetts ought to be dismissed, being "founded upon resolutions formed upon false and erroneous allegations; and that the same is groundless, vexatious, and scandalous, and calculated only for the seditious purposes of keeping up a spirit of clamor and discontent in the said Province." The Lords and Committee did "further humbly report to his Majesty that nothing had been laid before them which does or can, in their opinion, in any manner or in any degree impeach the honor, integrity, or conduct of the said Governor or Lieutenant-Governor." And <sup>1774.</sup> the King "was pleased, with the advice of his <sup>Feb.</sup> Privy Council, to approve the Report, and to pass an

<sup>1</sup> In the course of the inquiry as to how the letters were obtained, Mr. William Whately, brother and executor to Thomas Whately, to whom some of them were addressed, said that he remembered having lent an unexamined parcel of manuscripts to Mr. John Temple. The inference was that the letters in question had been wrongfully communicated by Temple to Franklin, who sent them to America. A duel was the consequence, in which Whately was seriously — for a time, it was feared,

mortally — wounded. Upon this, Franklin published in a newspaper (December 25): "I think it incumbent on me to declare (for the prevention of further mischief, as far as such a declaration may contribute to prevent it) that I alone am the person who obtained and transmitted to Boston the letters in question. Mr. W. could not communicate them, because they were never in his possession; and for the same reason they could not be taken from him by Mr. T."

order accordingly.”<sup>1</sup> Franklin was forthwith discharged from his office of Postmaster-General in America, and it is said to have been offered to Hutchinson.

The expected departure of Hutchinson from Massachusetts was for a time delayed by the sudden death of Andrew Oliver; for if neither Governor nor Lieutenant-Governor should be in the Province, the chief executive authority would be vested, by the charter, in the Council, which, in existing circumstances, it was not safe to trust. There was nothing for him but to remain till a successor should be appointed and should arrive. Before this release he had taken up his abode at the Castle, yielding to the urgency of his friends, who fancied that he was in personal danger.

At length General Gage came with a commission as  
 1774. Governor of Massachusetts, and Hutchinson sailed  
 May. for England. Of course there were no such com-  
 June. pliments as had been customary on the departure of a Governor. The Council, the Representatives, and the town of Boston were silent. He received the several addresses of “one hundred and twenty of the merchants and principal gentlemen of the town of Boston, of very reputable characters, of the gentlemen of the law, with three or four exceptions only, of the Episcopal clergy, of the magistrates of the county of Middlesex, of the principal gentlemen of the town of Salem, and of the principal gentlemen of the town of Marblehead, expressing their

<sup>1</sup> These proceedings are related in an appendix to the pamphlet published at London in 1774, under the title of “The Letters of Governor Hutchinson and Lieutenant-Governor Oliver, &c.”

For Franklin’s account and vindication of his agency in respect to this whole affair, see Sparks, Works of Benjamin Franklin, IV. 405–440; comp. the editor’s valuable note thereon, *ibid.*, 441–455; Almon, Prior Documents, 275, who refers to

the similar case of a return from England of a letter from Paul Dudley in 1705 (see above, Vol. IV. 306); Works of John Adams, I. 133, 319; II. 333; Russell, Memorials and Correspondence of Fox, I. 123–126; Lord Fitzwilliam, Correspondence of Burke, I. 453; Mahon, History of England, V. 323–329; Fitz-Maurice, Life of Shelburne, II. 296–298; Correspondence of the Earl of Chatham, IV. 322 *et seq.*

approbation of his public conduct, and their affectionate wishes for his prosperity; and the magistrates of the county of Plymouth were so polite as to direct an address to be sent to him in England, it not being prepared before he left Boston.”<sup>1</sup> But many of the signers, from an altered judgment, or from considerations of prudence, afterwards recanted, and publicly withdrew their names.

Hutchinson never saw his native country again. Soon after his arrival in England, he was presented to the King by Lord Dartmouth, and a remarkable conversation took place. A detailed account of the interview is now in the possession of the Governor’s family.<sup>2</sup> He also left to them, in manuscript, a third volume of his History of Massachusetts, bringing down the narrative to the time of his departure from the Province. Of this volume his representative, after much solicitation from this country, consented, fifty years ago, to have a small edition printed in England.

Hutchinson died suddenly in his retired residence at Brompton, near London, at the age of <sup>1780.</sup> <sup>June.</sup> sixty-nine years. After a little time he had ceased to be received with attention at Court, where he was regarded with increasing disfavor as the unsatisfactory progress of the war showed the untrustworthiness of those representations of his which had encouraged it. He mingled, more or less, in the melancholy society of his fellow-exiles. But in this sympathy there was little to sustain a man who had lived like him, and his last years were depressed with the intolerable memories of disappointment and mortification.

Hutchinson may be allowed to have been not the most culpable of those great men of New England who, in the three special crises of her history, abased themselves to take the lead in deserting and withstanding her righteous

<sup>1</sup> Hutch., Hist., III. 459.

<sup>2</sup> See Proc. of Mass. Hist. Soc., 1871, p. 59.

cause. Yet when he misused his influence and his talents to betray her welfare and stain her honor, it was not at all through any misconception. He knew New England well, — her character, her sentiments, and her rights. It was impossible that he should be ignorant of what the Englishman William Pitt, and those Englishmen who thought like him, so clearly saw, that Englishmen in the British Parliament had no right to vote away the money of their fellow-subjects in America. But he hoped against hope that by blandishments or by violence he might blind his compatriots against justice, corrupt their integrity, and subdue their spirit.

Nor is he to be excused on any such ground as that of his being an officer of the King. It is a sad perversion of the phrase to exalt this into a point of honor. Any conflict of duties arising from that circumstance was of his own making and maintaining. He was not obliged to continue to be an official servant when any alleged obligation of that service was inconsistent with patriotic duty. It is not uncommon for men not unconscientious to be brought by successive steps of almost insensible aberration into a position which their sense of rectitude refuses to approve. As soon as they come to perceive that they have been allured so far, undoubtedly the time has arrived for them to pause and withdraw. History cannot acquit the New England Governor, that, as soon as he saw that he was to be made the tool of an iniquitous oppression, he did not retire from the dishonorable service.

Nor are Hutchinson's misdeeds to be accounted for by saying merely that he was avaricious and aspiring. Though it is not to be denied that an undue love of acquisitions not entitled to the first place in a wise man's regard corrupted his motives and degraded his aims, he does not appear to have entered upon public life resolved, like Dudley, whom he too much resembled, to make all

other interests subordinate to those of his own cupidity. His fault rather was that he was so readily and so early beguiled by selfish considerations in determining where the path of duty lay, and that thus he was so easily, and at last so completely, surrendered to that bad sophistry which estimates success in public life by the amount of selfish prizes which are won. No doubt his morbid lust of money and of honors did its part in seducing him to disastrous criminality. But other weaknesses are to be taken into the account. He was a proud and a fastidious man. Under the impulse of zeal for a good object sometimes too impetuous to be careful in its choice of means, measures offensive to his taste were taken by the patriot party long before those measures which affected him personally; and in the ranks of that party there were leading men whom he could not willingly adopt for associates. He had not the magnanimity of Oxenbridge Thacher, James Bowdoin, and the Quincys, who, occupying the same social position with himself, still found no difficulty in allying themselves, for a great public object, with upright men of inferior early advantages and less social estimation. In an age when conventional distinctions were much considered, Hutchinson remembered, with too much affection, the fact that he represented a New England line of the highest consideration; nor could he fail to value himself on the personal services to the public which through many years had been recognized in liberal expressions of the public gratitude. That place which by virtue of birthright, of experience in official life, of familiarity with the questions at issue, and of talents unsurpassed in his time, belonged to him among the foremost champions of his country's rights, a weak sense of personal dignity inclined him to misunderstand, and indisposed him to assume. Otis seemed to him a young and a new man of restless talent, in whom it would have been much more becoming to court his patronage than to

criticise and contest his policy. Samuel Adams, associated in his mind with the short-sighted faction which had been broken down by his own enlightened measures for the restoration of a sound currency, was not the man with whom he desired to engage in united counsels; nor, being what he was, could he easily consent to make common cause with the rude multitudes whose conscientious sense of right followed the guidance of such leaders. Thus pride, prejudice, and passion prepared his mind for being favorably influenced by the seductions of grosser forms of selfishness.

And if a course of service to his country was uninviting, a course of hostility to it promised great rewards. The government at home was much in earnest, and it had at its disposal emoluments and promotions with which to compensate able services in its behalf. He calculated cunningly, but his sanguine imaginations misled him into calculating amiss. His counsels brought those who trusted him under delusions from which they were too late awakened by the loss of a priceless empire, and he had his retribution in the resentment of the masters whom he had flattered and beguiled to their harm. When—not cheerfully, as may be believed, nor without hesitation—he had chosen the worse part, nothing better was before him on the scene of his action than embarrassment and duplicity, inextricable self-conflict, defeated struggles, mortification, compunctions, and disgrace; nothing lay beyond it but weary exile, fruitless haunting of great men's antechambers, the humiliation of growing neglect, the memory of a frustrated career, and the near prospect of an unlamented death. He passed his last days a slighted and saddened man, longing for the native home which had been closed against him, and as little sustained by any good-will of those to whom he had given his unsuccessful service as by any consciousness of upright endeavors in behalf of a righteous cause.



## CHAPTER XI.

THOUGH her superior importance and other circumstances had placed Massachusetts in the van of resistance to the usurpations of the British Ministry, the spirit of determination in her sister Colonies of New England was not unlike her own. In New Hampshire Governor Wentworth, though friendly to prerogative principles, took no steps to enforce the Stamp Act; and his embarrassment was relieved by the circumstance that by some accident no formal communication respecting it had been made to him from England.

The proceedings of the Congress at New York were approved by the Representatives of the Province, who directed that the Petitions should be signed, in behalf of the House, by the Speaker and two others, and forwarded to London, to be presented and enforced by counsel.<sup>1</sup> Meserve applied to the House for an allowance for the abuses, loss of time, &c., he had sustained by his being appointed Distributor of Stamps; but the petition was dismissed on a unanimous Report of a Committee of both Houses, "that they found no damages done his body or estate."<sup>2</sup> The repeal of the Act, announced in a message from the Governor as having been communicated to him by Secretary Conway, occasioned, as in the other Colonies, the liveliest expressions of joy, and assurances of devoted loyalty.<sup>3</sup>

<sup>1</sup> N. H. Prov. Papers, VII. 86, 92, 96.

<sup>2</sup> Ibid., 104, 108, 110.

<sup>3</sup> Ibid., 99-104, 106, note.

Governor Wentworth's position had in the last years been insecure. His want of the favor of the people of his Province would not have damaged him in his standing at Court. But some parts of his administration were regarded as liable to exception in the opposite quarter. He was thought not to have been sufficiently attentive to the interests and wishes of his friends in England. He was charged with being profuse in his grants of land, and extortionate in his demands of compensation for them. He was said to be too easy in the discharge of his invidious duties as Surveyor-General of the Woods; to be irregular and procrastinating in his correspondence with the King's Ministers; and, in short, not to be the efficient magistrate that the King's service in such times required. Apparently with his acquiescence, his nephew, John Wentworth, a man of abilities superior to his own, was fixed upon to succeed him. John Wentworth — a graduate, like his predecessor, of Harvard College, and then a merchant<sup>1</sup> — had gone to England three years before,<sup>2</sup> and there attracted the notice of his namesake Lord Rockingham,<sup>3</sup> who had already determined on a change in the administration of New Hampshire. The old Governor, now in his seventy-fifth year, was allowed to make

<sup>1</sup> His mother was a daughter of John Rindge, and one of her sisters was wife of Theodore Atkinson, so that his alliances were strong in the circle of official men.

<sup>2</sup> N. H. Provincial Papers, VII. 105, note.

<sup>3</sup> While he was Governor, Wentworth maintained a correspondence with Lord Rockingham, which sometimes referred to the affairs of Massachusetts as well as to those of his own Province. He pitied the case of the Boston Collector, Harrison, whom he esteemed. (Albemarle, *Memoirs of Rockingham*, II. 77.) His representation of the state of things at Boston, at the time of the

arrival of the troops, is highly creditable to his good feelings and his good sense. "I went to Boston," he says, "and found reason from my personal observation . . . to be fully convinced that more obstructions have arisen to the service in this country from the servants of government than from any other cause. . . . I am at a loss to inform your Lordship of any real use or necessity for this armament; it cannot be advantageous to the revenue, which will not suffice to pay half the expense. If it is intended to secure the dependence of the Colonies, I fear it will exceedingly operate the other way." (*Ibid.*, 88.)

an honorable retirement. The government at home were content to have it seem a sort of family arrangement (for New Hampshire had had for forty of the last fifty years a Wentworth for its Governor or Lieutenant-Governor), and the Provincial Assembly parted from him with assurances of approbation and respect. 1767.

The population of New Hampshire was now 52,700, as ascertained by a census taken by the selectmen of the several towns. That of Portsmouth, the largest town, was 4,466 ; that of Londonderry, the next largest, 2,389.<sup>1</sup> To remedy the inconvenience of transacting all business at Portsmouth, "at one corner of the Province," four counties were instituted, one of them containing almost all the land on the westerly side of Merrimack River.<sup>2</sup> This division was not agreeable to the Council, and the question was long in dispute between the two branches. The difference of opinion between the Council and the Representatives as to the number and limits of the counties to be created did not constitute the only difficulty of the arrangement. It was further obstructed by a scruple of the Governor's, who held that it could not be definitely made by the Assembly, nor except by virtue of a preceding authority from the King, which, however, he interested himself to procure. After much discussion and correspondence, it was at last effected by a division of the Province into the five counties of Rockingham, Grafton, Hillsborough, Strafford, and Cheshire.<sup>3</sup> 1772.

In his first message to the Legislature, the new Chief Magistrate informed them of the royal expectation that they would "provide an adequate, honorable, and permanent salary for his Majesty's Governor." 1767.  
July. Towards the close of the following session the House took up the matter, and voted to pay to the Governor, during the time of his continuance in said office, a salary of

<sup>1</sup> N. H. Prov. Papers, VII. 168, 169.

<sup>2</sup> Ibid., 180, 131 ; comp. 109, 129.

<sup>3</sup> Ibid., 202 *et seq.*

seven hundred pounds, lawful money, “unless provision for the payment of the said salary is or shall be made by Parliament or otherways in Great Britain.” But a question arising between the two Houses as to the source whence the salary should be supplied, gave opportunity for a reconsideration of the subject, and a grant of the same sum was made from year to year.<sup>1</sup>

When the Assembly of New Hampshire received from  
 1768. Massachusetts the Circular Letter already de-  
 June. scribed,<sup>2</sup> it raised “a Committee to prepare in the recess of the Court a proper Address to his Majesty, and proper representations to be made to his Majesty’s Ministers, respecting the several things mentioned in said letter.” After the recess, — the Speaker having meantime received from the Speaker of the House of Burgesses of Virginia a copy of the spirited reply of that body to the Massachusetts Circular, — the House took up the Address prepared by their Committee, and ordered it to be signed by the Speaker and sent to the Agent for this Province at the Court of Great Britain to be presented to his Majesty. With ample professions of loyalty to the King, the Address urged that his “royal predecessors, as a proper reward of their labor and peril in extending the English empire, were pleased to grant a power of legislation limited to the approbation or disallowance of the Crown, with the power and privilege essential to British liberty of raising internal taxes by their own Representatives, which privilege and right,” the Assembly said, “they, from the first creating a government here, and we after them have enjoyed till the late Acts of Parliament enacted for the sole and express purpose of raising a revenue in America; which Acts we would humbly represent to your Majesty are subversive of those rights

<sup>1</sup> N. H. Prov. Papers, VII. 125, upon this matter, see *ibid.*, 257, 146, 176, 177, 179, 187, 227. For 806.  
 the Governor’s views and action

<sup>2</sup> See p. 378, *supra*.

and liberties which our ancestors so dearly purchased. . . . The Assemblies of this Province have always readily complied in a constitutional way with every requisition from your Majesty to contribute to the utmost of their ability for the defence of any of your Majesty's Dominions, and we beg leave to represent to your Majesty the hardships and impropriety that our property should be granted by the House of Commons of Great Britain, in which we are not nor can be represented, who bear no part of the burden of the taxes they are pleased to grant to be levied on us." And they prayed accordingly that the King "would be graciously pleased to take the petition into his wise consideration, and grant them such relief therein as to his royal wisdom should seem meet."<sup>1</sup> To the House of Burgesses of Virginia they wrote: "We gladly embrace the opportunity of declaring our entire concurrence with those sentiments of liberty expressed in your letter. . . . It affords high satisfaction to this House that they entertain the same views of the late grievous Acts of Parliament with the rest of their American brethren. . . . They are very sensible that the Duties imposed by the late Acts of Parliament on some of the most necessary articles of commerce for the sole and express purpose of raising a revenue, are equivalent to the most direct internal taxation, and that in this respect a power is claimed and exercised by the legislative authority of Great Britain to take what sums of money they please from the Colonies, without any grants made by the people, who are not and cannot be represented in the British Parliament; and they are fully persuaded that these last acts are in their nature and effects very little different from the former oppressive Stamp Act, but equally tend to the destruction of liberty and commerce. . . . Their anxiety and distress are increased in a very high degree by the appearance of warlike preparations making

<sup>1</sup> N. H. Prov. Papers, VII. 249.

at this time by Great Britain, not so much against a common enemy as to intimidate her own children and force them into submission to those very burdens of which they are complaining. They are struck with horror at the very idea of Civil Wars in America, and earnestly hope never to be put to the dreadful alternative either to take the sword or submit to give up all English Liberties.”<sup>1</sup>

In New Hampshire the non-importation agreements did not prosper. The considerable influence of Governor Wentworth was against them; and while the action of the Assembly, as often as there was occasion, was in harmony with the general feeling of the country, this was not altogether true of the only part of the Colony where importations could be made or discontinued. It has been said that in the general poverty of New Hampshire, Portsmouth, the only seaport, was enterprising and active. It had been rapidly enriched by the gains of commerce, and, dissatisfied as its merchants were with those recent restrictions by which commerce was crippled, they were yet disinclined to forego such profits as were still accessible. So that there was much complaint, especially at Boston, of the backwardness of the merchants of Portsmouth to enter into the engagement against importation, and of the loose constructions by which, even when made, it was evaded. When British merchandise, imported through one Colony, was purchasable in the markets of its neighbors, not only was the general assent on which depended the efficacy of the agreement against importations broken in upon, but, so far as such inward supply was procured, the intended pressure upon the British traders was relieved in the places so supplied, as much as if the importations into them were direct.

<sup>1</sup> N. H. Prov. Papers, VII. 180, 186, 187, 248-250, 253. The Assembly replied (February 26) to the Circular Letter of Massachusetts, but this paper seems to have been lost. (Ibid., 157.)

Notwithstanding the peremptory action of the British Privy Council in respect to the territorial limits of Massachusetts and New Hampshire, the question of the boundary between those two Provinces was not yet absolutely settled. The General Court of the former Province contested the correctness of the line which had been run twenty-five years before to carry out the Council's decree, and the inhabitants and proprietors of the township of Conway complained to Governor Wentworth of "encroachments and vexations of sundry settlers under pretence of a grant from the Province of Massachusetts Bay." In reply to a letter from Governor Wentworth on the subject, the Governor of Massachusetts presented considerations sustaining the correctness of the opinion entertained by the governments of his Province. And here, so far as appears from the documents, the discussion came to an end.<sup>1</sup>

It was different with the more important territory claimed by New Hampshire on the west side of the river Connecticut. Proceeding on its own interpretation of the royal decree which had determined that river to be the eastern boundary of New York for all of that Province which lay farther north than the northerly line of Massachusetts,<sup>2</sup> the government of New York proceeded to issue patents for lands in that region. A portion of these patents covered lands which had been previously granted by the Governor of New Hampshire, and which had been cleared and cultivated by occupants holding them under that title. Such occupants were so far considered that they were allowed, on the condition of further payments, to take out new patents from New York, in preference to other purchasers. But this they generally refused to do, asserting persistently the goodness of their previous title. The Governor and Council of New

<sup>1</sup> N. H. Prov. Papers, VII. 222-226, 711-716.

VOL. V.

<sup>2</sup> Slade, Vermont State Papers, 19.



York cited the settlers on the "New Hampshire Grants," as they were called, to appear before them within three months, and take out new patents, under pain of being dispossessed. This measure defined the issue. The settlers had associated themselves together in considerable strength for mutual protection; but, unwilling to use violent methods till others were exhausted, they sent one of their number (Samuel Robinson, of Bennington) to England, to lay their case before the King's servants. The

1767.  
July. result was a peremptory instruction from the Privy Council to the Governor of New York, that he "do not, upon pain of his Majesty's highest displeasure, presume to make any grant whatsoever of any part of the lands described, until his Majesty's further pleasure shall be known concerning the same." Notwithstanding this prohibition, the government of New York, under one and another pretext, continued to issue new patents, and to pretend to enforce them through its courts at Albany. And so the dispute was mostly confined for the present to litigation, the decrees of the courts of New York remaining inoperative throughout the administration of its unenterprising Governor, Sir Henry Moore.

The settlers on the Grants had as yet little connection with the inhabitants of the older towns of New Hampshire.

1770.  
Oct. The year after the death of Sir Henry Moore, Lord Dunmore became Governor of New York. Immediately on his accession, he took up the question of the disputed claim of his Province to the granted lands, and issued his proclamation against the settlers, directing the sheriff of Albany County to arrest some of their leaders, and bring them to Albany for trial. At the new town

1771.  
July. of Bennington, especially, the sheriff's attempt was resisted, and his *posse* were driven away by armed men, and in some instances, to use a then current phrase, were *chastised with the twigs of the wilderness*. Under a sense of the common danger which was understood to

have come near, delegations from the different settlements held consultations together from time to time, and a rude military organization of volunteers was arranged, with Ethan Allen at its head. Ethan Allen and Seth Warner, names afterwards familiar, were the persons most active among the settlers on the Grants. James Brackenridge's property was that for which the stand had been made at Bennington.<sup>1</sup>

Intelligence reached Bennington that Governor Tryon, who had succeeded Lord Dunmore in New York, had embarked on the Hudson with troops, on his way to reduce the Grants. A proclamation, offering a bounty for the arrest of Allen and some of his confederates, was met by Allen with a corresponding offer of a reward for the seizure of the Attorney-General of New York; and he posted parties of sharpshooters in the passes of the mountains ("the gods of the valleys," he said, "are not the gods of the hills") to arrest any trespassing force of the usurping Colony. But his scouts brought him information that, for some reason, Governor Tryon now inclined to milder methods. The Governor wrote 1772.  
May. to the inhabitants of Bennington and the adjacent country, assuring them of his desire to avoid compulsive measures while lenient measures might prove successful, and inviting them to lay before the government the causes of their illegal proceedings, to be examined "with deliberation and candor," and with a view to "such relief as the nature of their situation and circumstances would justify." And he promised full security and protection to any person whom they should choose to send on that

<sup>1</sup> On a petition of Brackenridge and his neighbors, the Representatives of New Hampshire voted (May 22, 1772) to "request the Governor to represent the case of the petitioners and state the circumstances of the settlers on the west side of Connecti-

cut River to his Majesty's Secretary of State for this department, to obtain relief for them and the jurisdiction of said land, if it may be." (N. H. Prov. Papers, VII. 299; comp. 314, 350.)

business to New York, excepting Allen, Warner, and some other persons designated.

A delegation was accordingly sent to New York, whence they returned with intelligence which gave great satisfaction. The Council of that Province had reported to the Governor: "We are desirous that your Excellency should afford the inhabitants of these townships all the relief in your power by suspending, until his Majesty's pleasure shall be known, all prosecutions on behalf of the Crown on account of the crimes with which they stand charged by the depositions before us, and to recommend to the owners of the contested lands under grants of this Province to put a stop during the same period to all civil suits concerning the lands in question." A letter, which the delegates brought from the Governor, declaring his adoption of the report of his Council, "diffused universal joy through the country of the New Hampshire Grants, and the people were at strife in doing the most exalted honor to Governor Tryon."<sup>1</sup>

But by no means was the quarrel yet put to rest. The Governor of New York had forbidden the institution of new suits of ejectment, but not a few such suits had already been decided by the courts, and there was nothing except force to hinder the successful claimants from entering upon what had been adjudged to be their property. On a representation to Governor Tryon that a surveyor in their employment had been interrupted and roughly treated, and that a mill and other property al-

<sup>1</sup> So says a paper, attributed to Ethan Allen, and published by his request in the "Connecticut Courant" of Aug. 22, 1772. It goes on: "Having at Bennington a cannon, it was discharged sundry times in honor of his Excellency and his Majesty's honorable Council, and after the report of the cannon each several times, the whole audience gave a huzza in acclamation, good-will, gratitude,

and vocal honor to Governor Tryon. And Captain Warner's company of Green Mountain Boys under arms, fired three volleys of small arms in concert and aid of the glory. His Majesty's health, also a health to his Excellency and his Majesty's honorable Council, was drunk, with full flowing bowls." (Comp. N. H. Prov. Papers, VII. 320.)

leged to belong to a trespasser from New York had been destroyed, the Governor wrote a reproachful letter to the inhabitants of the Grants. Allen replied for them that the acts complained of took place before those measures of lenity and conciliation on the part of the government which had engaged the good-will of the malcontents, and that any future attempt to enforce such past decrees of the courts as had not yet been carried into execution, must be regarded by them as a violation of the Governor's engagements.

The Governor, whatever might be his wish, had no power to arrest the proceedings of claimants from New York who had already a legal adjudication in their favor; and so, in respect to numerous cases, the recent pacification had no effect. The Governor of New York appointed Justices of the Peace for the disputed territory. The inhabitants drove them away, and forbade their return under penalty of death. The claimants from New York presented their case to the Assembly of that Province. The Assembly passed a severe Act "for preventing tumultuous and riotous assemblies." It required certain persons named to surrender themselves within ten weeks to a magistrate, in failure of doing which they were, in their absence, to be condemned to death. The Governor, under authority conferred by this Act, issued his proclamation offering a reward for the apprehension of Ethan Allen and seven others. The inhabitants held a Convention, in which, after a full reconsideration of the wrongs which had prompted their resistance, they renewed their pledges of mutual defence. And the proscribed persons engaged themselves, and published their purpose, to punish with death any person whom "the wages of unrighteousness offered in the proclamation" should tempt to betray their friends. A pause in this violent course of action followed, in consequence of events which now gave a different direction to the thoughts of

the rulers of New York. An application from the government of New York to General Gage for regular troops to maintain their authority in the Grants was declined by that officer, on the ground that the dispute was understood to be now under the consideration of the Ministry at home.

It has been told that, in the last years especially of his administration of New Hampshire, Benning Wentworth had not been in high favor either with the people of his Province or with his superiors in England. At his death, which took place four years after he ceased to be Governor, the disposition which he made of his large property occasioned disappointment to some considerable persons.<sup>1</sup> Among the questions which were started was one, whether he had individually acquired a good title to lands which he had reserved for the Governor in the large grants which he had distributed among other parties. The Council, under the advice of John Wentworth, decided that those reservations had vested no such title in the late Governor, and that it belonged to the present Governor to grant the lands anew. For this and other alleged official misdemeanors connected with it, Peter Livius, who had been a Counsellor for several years, and who was now in London, submitted charges against the present Governor to the King's Privy Council. His  
1773.  
May. representations produced such an effect upon the Board of Trade as to cause that body to report them to the King, with a strong censure of the Governor. But a rehearing before a Committee of the Council reversed the sentence. The Committee gave their judgment that there was "no foundation for any sentence upon the said John Wentworth, esquire, . . . for any of the charges contained in Mr. Livius's complaint of him, whose general

<sup>1</sup> According to Dr. Belknap (*History of New Hampshire*, Farmer's edition, p. 344), the use of paper notes for money in New Hampshire entirely ceased at this time.

conduct in the administration of affairs . . . is represented to have tended greatly to the peace and prosperity of the said Province." And the satisfaction which this conclusion of the matter diffused through the Province was testified by the government and the people with every mark of cordial confidence and good-will.<sup>1</sup>

In an Address of congratulation sent by the Provincial Assembly to the Earl of Dartmouth on the occasion of his appointment to be Secretary of State for the Colonies,<sup>2</sup> they especially commended to his patronage their "new-established seminary of literature," which they hoped, if he "would condescend to be a nursing father to it, would soon be a diffusive blessing, and thereby in some measure merit the exalted name of Dartmouth College."

On receiving from the Speakers of the House of Burgesses of Virginia and of the House of Deputies of Rhode Island information of the action of those bodies in respect to the institution of Committees of Correspondence between the Colonies, the House of Representatives of New Hampshire passed votes expressing their approbation of the arrangement, and raising a Standing Committee on their own part, of which the Governor was made Chairman; and the Governor, so far from obstructing the measure, wrote to the Speaker of the Burgesses of Virginia, that "on the first meeting of the Assembly he had taken the earliest opportunity to lay those interesting papers before them, by whose unanimous direction," he said, "I have to present their thanks to, and assure your honorable House that in every constitutional plan for securing the rights of British America and removing the present infringements thereon, our sister Colonies may rely we sincerely join, having no wish for ourselves of an exclusive nature in those matters, ever

<sup>1</sup> History of New Hampshire, Farmer's edition, pp. 314-348; N. H. Prov. Papers, VII. 336-344.

<sup>2</sup> New Hamp. Provincial Papers, VII. 316.

1773.  
Feb.

May.

looking on the whole as embarked in the same common bottom ;” while to the Speaker of the Deputies of Rhode Island he wrote : “ The House of Representatives of New Hampshire have duly considered your Resolves, and agree in substance with them ; and you may be assured that this House will readily concur with you and all the American Colonies in all constitutional measures to obtain the desired redress.”<sup>1</sup> At a town meeting<sup>1773.</sup> in Portsmouth (on the very day, as it turned out, of the destruction of the tea in Boston harbor), Lord North’s plan for an importation of tea by the East India Company was denounced in the warmest terms as a “ direct attack upon the liberties of America,” and a union of all the Colonies was declared “ to be the most likely method, under God,” of putting an end to such usurpations.<sup>2</sup>

In Rhode Island, alike from the exposed interests of a people largely engaged in commerce, and the traditional impatience of restraint in every shape which signaled that community, it was to be expected that the usurpations of the British Ministry would be disrelished as much as in any other quarter. The Governor of Rhode Island, not directly responsible to the King, like the Governors of Massachusetts and New Hampshire, refused to take the prescribed oath to maintain the Stamp Act. No stamped paper was to be had in Rhode Island when the Commissioner for its distribution had resigned his place.<sup>3</sup> Several

<sup>1</sup> N. H. Prov. Papers, VII. 329–332; comp. 353.

<sup>2</sup> Ibid., 333, 334.

<sup>3</sup> See above, p. 324. The custom-house officers at Newport applied to Augustus Johnston (Nov. 21, 1765), as Distributor of Stamps, for a supply of stamped paper. He replied that he had resigned the office, and been “ reduced to the necessity of

seeking for an asylum on board his Majesty’s ship *Cygnet*, for the preservation of his life,” and that the paper, having come to Boston consigned to him, was now stored in that vessel. The officers laid these letters before Governor Ward. He wrote to Johnston (December 24), desiring a more explicit declaration than had been given of his intentions



weeks before the Act was to go into effect, the Assembly passed a series of votes, briefly setting forth their claims as to immunity from foreign taxation, and concluding, "that all the officers in this Colony, appointed by the authority thereof, be directed to proceed in the execution of their respective offices in the same manner as usual."<sup>1</sup> The Courts remained open, and the course of justice and of government suffered no interruption.

1765.  
Sept.

The Assembly received with cordial approval the Report of their Delegates to the Congress at New York, and requested the Governor to direct their agent in England "to join with the other agents in enforcing the addresses."<sup>2</sup>

for the future; and to the Lords of the Treasury, acquainting them that Johnston would not act as Distributor, "and that people of every rank and condition were so unanimous in their opinion that the operation of the Act . . . would be inconsistent with their natural and just rights and privileges, injurious to his Majesty's service and the interest of Great Britain, and incompatible with the very being of this Colony, that no person," he said, "I imagine, will undertake to execute that office." (R. I. Rec., VI. 476-479.)

<sup>1</sup> Ibid., 451, 452; comp. 471-476.

<sup>2</sup> Ibid., 461-463; comp. 450. The custom-house officers, who, alarmed by the proceedings of the 27th of August, had gone on board the *Cygnets*, wrote thence to the Governor that they could not open the custom-house till they could have a promise of assistance and protection from the local authorities. They were invited to come back on an assurance "that the fury of the populace had entirely subsided, and the minds of the people quieted; so that there was not the least danger or apprehension of any further riotous proceedings." The Governor was very desirous to

have them come back to their office, inasmuch as "the putting an entire stop to the trade and commerce of the Colony would be attended with most pernicious consequences." But they insisted upon having a guard, as a condition of their return. A report was brought to the captain of the *Cygnets* that a scheme was on foot to liberate a vessel which had been seized for smuggling, and if resisted, to take possession of the fort, and attack his ship from it. He sent word to the authorities that in case of any such attempt, he was prepared to bombard the town. He was assured that no such attempt was entertained, and in fact it took no shape. (Ibid., 453-458.)

But in the excitement which existed on both sides, the presence of the King's ships in Newport harbor was always making mischief. The officers of another vessel, the *Maidstone*, impressed several Rhode Island men; and on the other hand one of her boats, while at a wharf, was seized and burned (June, 1765), and the officer in charge of her roughly handled. (Ibid., 444, 446, 485.) Three officers of the King's ship, the *Senegal*, were indicted and tried on

The rejoicings at the repeal of the Act in the following  
 1766. year were enthusiastic in Rhode Island, as in the  
 June. other Colonies. An Address of the Assembly expressed its gratitude to the King for giving his royal assent to the bill.<sup>1</sup> An application of Lord Shelburne in behalf of the persons who had incurred violent treatment in consequence of their connection with the Stamp Act, drew from the Governor an assurance "that the opinion that the rioters in this Colony were countenanced in their depredations by any person of note or consequence is (so far as the members of the General Assembly have any knowledge or information thereof) entirely groundless; and that when the sufferers shall make a proper application to the Assembly, they will consider the same, and do them all the justice the nature of their cases shall require." Subsequently, the question of indemnity to Augustus Johnston, Thomas Moffatt, and Martin Howard was entertained by the Assembly; but the amounts which they had severally claimed were disputed, and it was not till after long discussion that appropriations were made for their relief.<sup>2</sup> And then the payment of the sums thus appropriated was made contingent upon the payment of "the money due from the Crown to the Colony for their services in the expedition against Crown Point in the year 1756;" which payment was never made.

In the political lull which followed the suspension of

a charge of murdering a citizen (May 3, 1768). They were acquitted by a Rhode Island jury as having done the act in self-defence. (Ibid., 544, 545; Arnold, History, II. 288.) In July, 1769, a King's sloop, named the Liberty, brought into Newport harbor two vessels alleged to have been engaged in a contraband trade. The master of one of these vessels, attempting to go on shore in his boat, was fired upon from the Liberty. Incensed by this, a party from New-

port, while the captain was in the town, boarded the Liberty, cut her cables, and when she had drifted on shore, stripped and scuttled her, and burned her boats. The Governor offered a reward for the detection of the rioters, but no discovery was ever made. (R. I. Rec., VI. 593-596; VII. 58, 59.)

<sup>1</sup> Ibid., 493, 494.

<sup>2</sup> Ibid., 508, 510-514, 567, 568, 571, 580, 583, 589, 593; VII. 196, 197, 200-202, 216-219.

this great alarm, a transaction took place which probably was occasioned by a prevailing sense of the desirableness of internal harmony, as a preparation for united counsels in relation to the encroachments from abroad.

For several years two excited factions had dis-<sup>1755-1769.</sup> turbed the little community of Rhode Island. The friends of Samuel Ward, of Newport, were in the ascendancy in the southern towns of the Colony; Stephen Hopkins, of Providence, was the favorite of the northern party. Ward superseded Hopkins as Governor after the former had held the place<sup>1</sup> for several years; the choice then fell on Hopkins and on Ward each for two successive years, at the end of which Hopkins was again elected, by a larger majority than he had ever before secured. He now made a proposal to Ward that both should decline to be candidates thenceforward for the government of the Colony, as a means of "uniting parties, and settling peace in it." At first the proposal was not favorably received; but before the election, in the sequel of some correspondence between the principals and the friends of both, they agreed to withdraw from their position as candidates,<sup>2</sup> and Josias Lyndon was made Governor,<sup>3</sup> a man who had no ambition for the place, and who, at the end of the year, voluntarily subsided from it into that of Clerk of the House. Neither Ward nor Hopkins was afterwards Governor of Rhode Island, but both became Representatives of that Colony in the Continental Congress. Joseph Wanton was chosen Governor,<sup>1769.</sup> and Darius Sessions Lieutenant-Governor; and they continued to hold those places respectively, the former for seven years, and the latter for six.

Soon after informing the government of Rhode Island

<sup>1</sup> Five years before this time, damages at £20,000. (R. I. Rec., the quarrel between them had been VI. 68.)  
so hot, that Hopkins prosecuted  
Ward for defamation, laying his

<sup>2</sup> Ibid., VI. 548-554.

<sup>3</sup> Ibid., 542.

1768. of his having been appointed to the new office of  
 April. Secretary for the Colonies, Lord Hillsborough called their attention to the Circular Letter addressed by the Representatives of Massachusetts to the other Colonial governments, and acquainted them with the King's pleasure that they should "exert their utmost influence to defeat this flagitious attempt to disturb the public peace, by prevailing upon the Assembly of their Province to take no notice of it, which," he said, "will be treating it with the contempt it deserves."<sup>1</sup> But the Governor, like his constituents, was of a different mind. "This

1768. Assembly," he wrote, "instead of treating that  
 Sept. letter with any degree of contempt, think themselves obliged, in duty to themselves and their country, to approve the sentiments contained in it."<sup>2</sup> Lord Hillsborough directed the Governor not to communicate to his Assembly the instructions which he received from the

1769. King's Minister.<sup>3</sup> But Wanton frankly replied  
 May. that it was impossible for him to use such reserve, being forbidden by the charter of the Colony, by which, said he, "the supreme authority is vested in the General Assembly," so that, "by the constitution, all letters, intelligence, and correspondence relating to public matters and the welfare of the Colony, must necessarily be laid before them, and there receive a final decision."<sup>4</sup>

On the reception of the Circular Letter from Massachusetts to the other Colonies, relating to Mr. Charles  
 1768. Townshend's Revenue Act, the Assembly of  
 Feb. Rhode Island "appointed a Committee to take it into consideration, . . . and to draw up a suitable Address to his Majesty, and also a letter to one of his Majesty's principal Secretaries of State."<sup>5</sup> Seven months later, the Committee produced such an Address and let-

<sup>1</sup> R. I. Rec., VI. 541.

<sup>2</sup> Ibid., 563; comp. 534.

<sup>3</sup> Ibid., 558.

<sup>4</sup> Ibid., 584.

<sup>5</sup> Ibid., 534.

ter, and the Assembly adopted them, and ordered that they should be signed by the Governor and forwarded to England. Both documents affirmed with absolute decision the right of the Colony to be exempt from such liabilities as had been imposed by the late Act of Parliament, and been remonstrated against in the Circular Letter of Massachusetts.<sup>1</sup> When the Assembly received from the Speaker of the House of Bur-<sup>1769.</sup><sup>June.</sup> gesses of Virginia a copy of the four famous Resolves of that Province, they instructed a Committee "to prepare a draught of an answer to said letter, and draw up suitable resolves if they thought proper; and that they make report before the rising of this Assembly."<sup>2</sup> The papers were not prepared with the promptness which was contemplated; but when the subject was next brought before the Assembly, that body pronounced its approval of the doctrines which the great southern Colony had affirmed.<sup>3</sup>

<sup>1</sup> R. I. Rec., VI. 556, 559-562; comp 584, 585.

<sup>2</sup> Ibid., 586, 603.

<sup>3</sup> The Resolves of the House of Burgesses of Virginia, May 16, 1769, were as follows:—

Resolved, *nem. con.* — I. THAT the sole right of imposing taxes on the inhabitants of this his Majesty's Colony and dominion of Virginia is now, and ever hath been, legally and constitutionally vested in the House of Burgesses, lawfully convened according to the ancient and established practice, with the consent of the Council, and of his Majesty the King of Great Britain, or his Governor for the time being.

II. That it is the undoubted privilege of the inhabitants of this Colony, to petition their sovereign for redress of grievances; and that it is lawful and expedient to procure the concurrence of his Majesty's other Colonies in dutiful addresses, praying the royal interposition in favor of the violated rights of America.

III. That all trials for treason, misprision of treason, or for any felony or crime whatsoever committed and done in this his Majesty's said Colony and dominion, by any person or persons residing therein, ought of right to be held and conducted in and before his Majesty's courts held within his said Colony, according to the fixed and known course of proceeding; and that the seizing any person or persons residing in this Colony, suspected of any crime whatsoever committed therein, and sending such person or persons to places beyond the sea to be tried, is highly derogatory of the rights of British subjects, as thereby the inestimable privilege of being tried by a jury from the vicinage, as well as the liberty of summoning and producing witnesses on such trial, will be taken away from the party accused.

IV. That an humble, dutiful, and loyal address be presented to his Majesty, to assure him of our inviolable attachment to his sacred person and

It was not to be expected that the mutual disgust between the seafaring people of Rhode Island and the cruisers which patrolled its waters would expend itself in mere bickerings and insults.<sup>1</sup> Lieutenant Dudingston, in command of a schooner called the *Gaspee*, which carried eight guns, had especially incurred dislike by his activity in annoying the navigation of Narragansett Bay. He was said to have distinctly violated the law in two particulars, — in not exhibiting his commission to the Governor before he entered on his function, and in sending to Boston for trial some rum which he had seized as contraband, instead of libelling it in a court of Rhode Island. Against the first of these charges his defence, when subsequently interrogated by his superiors, was that it was not his duty to show his commission till he was called upon to do so, which he had never been, but that he had always been

government, and to beseech his royal interposition, as the father of all his people, however remote from the seat of his empire, to quiet the minds of his loyal subjects of this Colony, and to avert from them those dangers and miseries which will ensue from the seizing and carrying beyond sea any person residing in America, suspected of any crime whatsoever, to be tried in any other manner than by the ancient and long established course of proceeding.

<sup>1</sup> July 19, 1771, Lord Hillsborough informed the Governor of Rhode Island of a representation made to him that outrages had been committed on the English revenue officers in America; that "some of the most violent of these outrages had been committed at Newport;" and that, in particular, two months before, the Collector of that port "was, in the execution of his duty, assaulted and grossly ill-treated, even to the danger of his life, by a number of the inhabitants, without any protection being given him." (R. I.

Rec., VII. 35.) Under the direction of the Assembly, Governor Wanton complained to him (November 2), on the other hand, "of the officers of his Majesty's customs in America, for their abusing and misrepresenting the Colony of Rhode Island and its officers." He said that Dudley (the Collector) "in the dead time of the night, singly and alone, went on board a vessel lying at one of the wharves in Newport, where he met with a number of persons, supposed to be drunken sailors, and was cruelly and scandalously abused by them;" that he "never applied to any civil authority for protection or assistance, until after the abuse had happened;" that it did "not evidently appear that anyone of the inhabitants of the Colony was concerned in or privy to the abuse offered to Mr. Dudley, but it is apprehended it was wholly perpetrated by a company of lawless seamen;" but that, if he had told his grievance, the whole power of the Colony would have been exerted for his redress. (Ibid., 42.)



ready to produce it, and had taken it with him for that purpose when, on his arrival, he had waited upon the Governor. The correctness of the other charge he did not deny, but said that he felt sure of being justified on the ground of the notorious impossibility of getting smuggled goods condemned in a Rhode Island court.<sup>1</sup>

A vessel of light draught, which he chased up the Bay, ran close in to the shore, and in pursuit of her the Gaspee went aground about the time of high tide. The water receded, and she lay helpless five miles from Providence as night came on. The merchant vessel which had been chased, in the mean time arrived at Providence with intelligence of the situation of the King's schooner. In the evening the drum beat in the streets of that town, and proclamation was made inviting as many as should be so minded to meet together for an expedition against the offending cruiser. A number of persons, seamen and others, assembled in a private house and made hasty preparations for the projected movement. Between ten and eleven o'clock eight large boats, with muffled oars, put off from a wharf in Providence. The night was "exceeding dark," and the approach of the party was not seen from the Gaspee, till, after midnight, they were too close to her to admit of the use of her great guns. A sentinel hailed, but the party pushed on swiftly in silence. Dudingston, suddenly awakened, came on deck in his

<sup>1</sup> The Chief Justice (Hopkins) certified his "opinion that no commander of any vessel has any right to use any authority in the body of the Colony, without previously applying to the Governor, and showing his warrant for so doing; and also being sworn to a due exercise of his office." (R. I. Rec., VII. 61.) The Governor wrote to Dudingston of this omission, and of the complaints which were

made of his misconduct. Dudingston made him a rude reply; and each presented the case to Admiral Montague, at Boston, Dudingston's superior officer. The Admiral was even less courteous than his subaltern; and Governor Wanton, under the direction of his Assembly, wrote at length on the subject (May 20) to Lord Hillsborough. (Ibid., 62-68.)



night-clothes, but had no sooner hailed a second time than he was severely wounded by a musket shot from one of the boats. The assailants, disregarding a random fire of small arms, sprang on board the schooner, on the bows and over the quarter, and almost without further resistance drove the frightened crew below. Dudingston was conveyed to his cabin, where his wound was dressed by one of the party from Providence, who had been a student of medicine and surgery. Dudingston and his crew were rowed to the shore and there released; and before daylight the boats returned to Providence, the Gaspee having been first set on fire, which consumed her to the water's edge.

A midshipman, second in command on board the vessel, reported her fate to the Admiral, who sent to the Governor the midshipman's "deposition of the piratical proceedings of the people of Providence,"<sup>1</sup> with his request to the Governor to use such methods as he should think proper for apprehending and bringing the offenders to justice. The Governor had already issued a "proclamation, strictly charging and commanding all his Majesty's officers within the Colony, both civil and military, to exert themselves with the utmost vigilance to discover and apprehend the persons guilty of the aforesaid atrocious crime, that they may be brought to condign punishment," and offering "a reward of one hundred pounds . . . to any person or persons who shall discover the perpetrators of the said villany." But the perpetrators remained unapprehended and undiscovered.

When the Admiral's report of the affair reached Eng-  
land, the Ministers took it in hand with vigor.

1772.  
Aug. A royal proclamation was issued, offering a re-

<sup>1</sup> Subject to obvious allowances, this deposition, which is long and circumstantial (R. I. Rec., VII. 82-84), and Dudingston's letter to the Admiral (Ibid., 86), are good evidence as to how things appeared on board of the doomed vessel.

ward of a thousand pounds each for the detection of the two leaders, and of five hundred pounds for the discovery of each one of their associates. The Governor of Rhode Island, with Auchmuty of Boston, Judge of Admiralty, and the Chief Justices of New York, New Jersey, and Massachusetts, were constituted a Commission to investigate the case; and the Governor of Rhode Island was instructed to send to England for trial such persons as the Commissioners might arraign. At one time there seemed good prospect of a discovery of evidence sufficient to authorize prosecutions. A mulatto lad testified that he had been of the party from Providence, and that with him in the boats were five inhabitants of Providence, Bristol, and Warwick, whom he named. The Admiral sent his deposition to Wanton, with the request that he would cause the persons named to be apprehended and examined; but the Governor excused himself from doing so, on the ground of sworn evidence which had been brought to him, to the effect that the witness was notoriously unworthy of belief, and that on the night in question he had not been absent from his master's house in Portsmouth.

A quorum of the Commissioners met at Newport, but failed of obtaining evidence on which to proceed to any purpose. Dudingston was in England; the Admiral did not find it convenient to come from Boston; and after an unprofitable session protracted through most of a month, the Commissioners adjourned. They met again in the following summer, but after further consultations which wasted three weeks, found nothing to report to England but that their investigations had been fruitless. They saw nothing to censure in the conduct of the colonial magistrates, and they found "too much reason to believe that in some instances Lieutenant Dudingston, from an intemperate if not a reprehensible zeal to aid the revenue service, exceeded the bounds of his

1773.  
Jan.

duty.”<sup>1</sup> The most important consequence which followed the transaction was in the alarm and indignation spread through the Colonies by the ministerial scheme of sending accused persons from Rhode Island to England to be tried. This measure had been proposed by the Duke of Richmond some years before, but then it had had such a reception as caused it to be abandoned. Now the actual attempt was made to put it in force, and that at a moment most inopportune. It was a time of vehement agitation in Massachusetts, and the excitement created in Virginia by the ministerial threat to transport citizens of Rhode Island abroad for trial was no unimportant influence among those which prompted the action of the great southern Colony at this period.<sup>2</sup> Rhode Island at once appointed its Committee of Correspondence, and active communications followed between it and the other Colonies.<sup>3</sup>

Along with letters of Hutchinson and Oliver, which, procured from England at this time, brought upon them

<sup>1</sup> For a full and minute history of all the transactions relating to the destruction of the Gaspee, and the proceedings of the British Government thereupon, see R. I. Rec., VII. 55-192.

<sup>2</sup> It is particularly referred to in that connection in the Virginia Resolves of March 12, 1773, relating to the establishment of Committees for Correspondence between the Colonies. (R. I. Rec., VII. 226.) — Hutchinson took a characteristic interest in this affair. August 29 he wrote to Secretary Pownall, “people in this Province, both friends and enemies to government, are in great expectations from the late affair in Rhode Island. . . . If it is passed over without a full enquiry and due resentment, our liberty people will think they may with impunity commit any acts of violence, be they ever so atrocious, and the friends to gov-

ernment will despond, and give up all hopes of being able to withstand the faction. . . . If ever the government of that Colony is to be reformed, this seems to be the time, and it would have a happy effect in the Colonies which adjoin to it. . . . The denial of the supremacy of Parliament and the contempt with which its authority has been treated by the Lilliputian Assemblies of America can never be justified or excused by any one member of either House of Parliament.” And again to Commodore Hood (September 2): “Admiral Montague says that Lord Sandwich will never leave pursuing the Colony until it is disfranchised. If it is passed over, the other Colonies will follow the example.” (Ibid., VII., 102, 103, notes.)

<sup>3</sup> R. I. Rec., VII. 225-240; comp. 287-307.

so much resentment in Massachusetts, it has been mentioned that there was a letter from George Rome, of Newport. Rome was an English merchant, who had resided several years in that town, holding no public place. The letter now produced against him, written six years before to a friend in Connecticut, complained of the faulty administration of justice in New England, by which he said he had been largely the loser; and he digressed into some sharp comments on the condition of the governments in general. The letter was scarcely a fair subject for public animadversion, but it kindled a fierce flame of indignation in Rhode Island.<sup>1</sup>

The ministerial arrangement for admitting the tea-ships of the East India Company included by name no port of New England but that of Boston, so that elsewhere it occasioned directly no disturbance or excitement, and the current of affairs in Rhode Island was not further affected by it than as it led to new expostulations by several of the towns against the new artifice to collect a tax in America, and assertions of a continued determination to resist it.<sup>2</sup> Some confidence was inspired by what was known of the numerical force of the Colony. A census taken by public authority at this time ascertained the

<sup>1</sup> William Palfrey, who had had a business correspondence with Rome, wrote to him (June 13) that he had seen his letter, and feared that "although it was wrote in private confidence," it would make trouble for him, when published, as it very soon would be. Rome replied (June 25): "What is called my letter is published, and I suppose not less than five hundred copies of it is circulating. The town [Newport] and populace has behaved extremely well on the occasion, so that I am not apprehensive of any bad consequences from it." Still, to guard against the worst, he made the request to his friend, which of course was not com-

plied with, to forward to him the original, which was in Boston. His hope of not being molested proved to be too sanguine. The Assembly summoned him before them at their session in October, and required him to own the authorship of the letter; and on his refusal to answer, they committed him for a contempt. A journey of Palfrey to the south on the business of the tea-ships interrupted the correspondence. Rome was soon discharged from his arrest, but at a later period he was very hardly dealt with. (R. I. Rec., VII. 376, 394, 421, 499, 521, 549, 550.)

<sup>2</sup> R. I. Rec., VII. 272, 274, 276-279.

population to be 59,678; of which number 54,435 were whites. There were 3,761 blacks and 1,482 Indians.<sup>1</sup>

The defeat in Connecticut, as in the other New England Colonies, of the attempt to introduce the use of stamped paper has been related.<sup>2</sup> The chasm in one portion of the public records of this period withdraws an important source of supply for the materials of its history.<sup>3</sup> But the general course of events and some significant facts may be gathered through other channels of information. Stephen Johnson, minister of the town of Lyme, took a strenuous part in exciting the popular displeasure against the usurping Act of Parliament; but the expression of such sentiments as he entertained was still thought so dangerous that, concealing his authorship, he caused the papers which he wrote to be stealthily conveyed by a friend to the "New London Gazette;"<sup>4</sup> and his very

1765. vigorous Sermon, preached on the Fast Day ap-  
Dec. pointed by the Assembly, was printed at Newport, and without the author's name.<sup>5</sup> A Resolve of the Legislature, reciting that in several parts of the Colony there had been "divers tumultuous and unlawful assemblies," desired the Governor to issue his proclamation against them. The Declaration and Petitions of the Congress at New York were approved, and a letter was written to the colonial agent with instructions to give them his support. "The Sons of Liberty of the Colony of New York of the one part, and the Sons of Liberty of the Colony of Connecticut on the other part," made a formal engage-

<sup>1</sup> R. I. Rec., VII. 253, 299.

<sup>2</sup> See above, p. 325.

<sup>3</sup> The Journals of neither branch of the General Assembly between 1744 and 1779 are known to exist, and the Colonial Records which preserve only the joint action of the two branches do not entirely supply the defect for this portion of the history.

<sup>4</sup> Gordon, Hist. Amer. Rev., I. 129.

<sup>5</sup> It was not even published as a sermon. The stout pamphlet (61 pages) bore the title: "Some Important Observations, occasioned by, and adapted to, the Public Fast ordered by Authority, Dec. 18, A. D. 1765, on account of the Peculiar Circumstances of the Present Day."

ment together "to march with the utmost despatch, at their own proper costs and expense, on the first proper notice (which must be signified to them by at least six of the Sons of Liberty), with their whole force, if it is required, and can be spared, to the relief of those that shall, are, or may be in danger from the Stamp Act, or its promoters or abettors, or anything relative to it, on account of anything that may have been done in opposition to its obtaining."<sup>1</sup> Fitch, Governor for the last twelve years, and three of his Counsellors, consented to take the oath for the support of the Stamp Act. The consequence was that they were dismissed at the next <sup>1766.</sup> <sup>May.</sup> election.<sup>2</sup> Fitch was succeeded by Lieutenant-Governor William Pitkin.<sup>3</sup>

In Connecticut, as elsewhere, the intelligence of the repeal of the Stamp Act was received with all demonstrations of delight. A day of public Thanksgiving was appointed,<sup>4</sup> and the new Governor was instructed to prepare and transmit "a humble, dutiful, and loyal Address to his Majesty, expressive of the filial duty, gratitude, and satisfaction of the Governor and Company of this Colony on

<sup>1</sup> Gordon, Hist. Amer. Rev., I. 146, 147.—Jan., 1766, Governor Bernard wrote to —— in England that, two or three weeks before, two men had come to New London, saying that they were sent by "one Sears of New York, a noted captain of the mob there," to learn how many men could be had from Connecticut in case troops should be sent to New York from England. (Letter of Bernard in the Sparks Collection.)

<sup>2</sup> They published their defence in a pamphlet, entitled "Some Reasons that influenced the Governor to take, and the Counsellors to administer, the oath required by the Act of Parliament commonly called the Stamp Act." They argued (p. 7) that they were "bound, not only by their allegiance, but . . . by accepting

their offices . . . to yield obedience to the requirements of the King and Parliament," and further (9-14) that their neglect to render such obedience "in the particular aforesaid would be fatal to the charter privileges granted to the good people of this Colony." But their constituents had now got too far to be quieted even by this last consideration.

<sup>3</sup> In October of this year, William Samuel Johnson was appointed to be agent for the Colony in England.

<sup>4</sup> At a rejoicing in Hartford for the repeal of the Stamp Act, three persons were killed by the explosion of some powder, and more than twenty wounded. (Barber, Conn. Hist. Soc. Coll., 54.)

the happy occasion of the beneficial repeal of the late American Stamp Act." Under the excitement (it may be supposed) of this gracious proceeding on the part of the British Government, a law was passed providing quarters for soldiers who might be sent from abroad. In the fourth year of his official service Governor Pitkin died,<sup>1</sup> and was succeeded by Jonathan Trumbull, with Matthew Griswold for Lieutenant-Governor.

Just after Trumbull's accession, a dispute of old standing between Connecticut and Pennsylvania assumed a threatening aspect. By virtue both of her charter and of a convention alleged to have been made with the Indians at the time of the abortive attempt for a colonial union, Connecticut laid claim to a tract of land affirmed, on the other hand, to belong to Pennsylvania by force of the original royal grant to Penn. On the occasion of a movement for a settlement of the lands by a Company incorporated by Connecticut, Lord Egremont, Secretary of State, had interposed, and recommended to the projectors to desist, because of the danger of provoking an Indian war. Pennsylvania sent in settlers, and they and the immigrants from Connecticut did not live together on amicable terms. Each of the Provinces erected the territory into a county under her own jurisdiction; Pennsylvania giving it the name of Northumberland, Connecticut the name of Westmoreland. The question was for years the subject of earnest dispute in the New England Colony, and had not ceased to be so when the dissentient parties were both emancipated from foreign rule. Governor Trumbull gave some offence by declining to engage actively in the controversy. The Assembly of Connecticut transmitted a statement of their case to lawyers in England, among whom were Thurlow,

<sup>1</sup> Pitkin's death was "sudden and surprising." (Williams's Funeral Sermon, 27.) He had, however, reached his seventy-sixth year. (Barber, Conn. Hist. Soc. Coll., 31.)



Wedderburn, and Dunning, asking their opinion as to the validity of the claim and the proper method of asserting it. They were advised to attempt an amicable composition with Pennsylvania, and, failing that attempt, "to apply to the King in Council, praying his Majesty to appoint commissioners in America to decide the question."

In the negotiation which accordingly was set on <sup>1773.</sup> foot with Pennsylvania, the Assembly had no success. Then the validity of the grant which had been made by it to the Susquehannah Company was questioned by a numerous party in the Colony. The Assembly adhered to its action, and admitted Representatives from the county of Westmoreland. But these questions also were still agitated and unsettled when England ceased to have authority in the determination of them.<sup>1</sup>

In Connecticut, as elsewhere, the non-importation agreements were not universally well received, and it was not without trouble that they were made in any considerable degree effective. At a meeting of the principal merchants and traders of the Colony at <sup>1770.</sup> Hartford, it was resolved to abstain from all "connection or dealing" with the traders of Newport, because of their violation of the agreement.<sup>2</sup> The merchants and traders of New Haven held a meeting "occasioned by <sup>1770.</sup> the late inconsistent behavior of the New <sup>July.</sup> Yorkers." The Colonial Committee of Correspondence wrote to the Committee of merchants <sup>August.</sup> in New York, urging them to abide, "as Connecticut will <sup>September.</sup>

<sup>1</sup> Trumbull, History, II. 468-480; Miss Larned, History of Windham County, I. 556 *et seq.*; Right of the Governor and Company of the Colony of Connecticut to claim and hold the lands . . . in a letter to J. H., Esq.; Report of the Commissioners appointed by the General Assembly of this Colony, to treat with the Proprietaries of Pennsylvania, &c.;

Benjamin Gale, Letter to J. W., Esq.; Remarks on Dr. Gale's Letter to J. W., Esq.; Observations on a Pamphlet entitled Remarks on Dr. Gale's Letter to J. W., Esq.; Silas Deane's Letter of April 13, 1774, in Conn. Hist. Soc. Coll., II. 131, 132; Heads of Inquiry, &c., 4.

<sup>2</sup> Hartford Courant, for July, August, and September, 1765.

abide," by their engagement; and Silas Deane, afterwards conspicuous on a wider scene, and now the most active member of the Connecticut Committee of Correspondence, fortified the appeal by one of his own, under the name "A Freeman of Connecticut." In consequence of a vote passed at a meeting of the merchants and landholders of the County of Hartford, the Committee of Correspondence called "a meeting of the mercantile and landed interest," to be held at New Haven on the day next after the Commencement. At that time and place, delegates from "a great majority of the towns" pledged their constituents to import no goods from England, certain specified articles excepted, till the duty on tea should be revoked, and not to deal with persons not observing this agreement in their own or other Colonies. They declared their displeasure at "the late defection in New York," and their resolution "to break off all commercial intercourse with the inhabitants of New York, so far as not to purchase of them any goods imported from Great Britain, directly or indirectly."<sup>1</sup>

In an answer to certain "Heads of Inquiry relative to  
1773. the Present State and Condition of his Majesty's  
1774. Colony of Connecticut," the government of that Colony reported that the number of inhabitants was 197,856, of whom 6,464 were blacks, and 1,363 Indians; that the increase within the last ten years had been 52,266; that the territory was estimated to contain 2,640,000 acres; that the number of vessels was 200, and of seafaring men 1,252; that, directly and indirectly, the Colony imported annually £200,000 worth of British manufactures, and sent to Great Britain £10,000 worth of its produce; that their annual exportations to other countries amounted to "about £55,000, at an average;" that the whole "value of exported produce and commodities might be annually £200,000;" and that the annual

<sup>1</sup> Hartford Courant, for July, August, and September, 1765.

tax was "near to £6,000," of which sum "more than one third part was appropriated to the support of schools."<sup>1</sup>

<sup>1</sup> "Heads of Inquiry . . . . with the Answers thereto," 3-9. No report was called for or made respecting the College. President Clap, of Yale College, vacated his place after the Commencement of 1766. (*American Quarterly Register*, VIII. 28.) He "had settled his sentiments fully in approbation of the Presbyterian or Consociated method of ecclesiastical government and discipline, as agreeable to the scripture plan, and the true medium between the unscriptural encroachments of Prelacy on the one

hand, and the confusions of Independency on the other." (Naphtali Daggett's Funeral Sermon, 31.) "He was collecting materials for a History of the Colony of Connecticut." (*Ibid.*, 36.) Professor Daggett was soon appointed President *pro tempore*, and continued at the head of the institution till his resignation in 1777. During those eight years of his official term which are embraced in this volume, Yale College sent out two hundred and six graduates.

## CHAPTER XII.

PARLIAMENT was in session when intelligence of the destruction of the tea in Boston harbor came to England. The indignation in the Court circle at so defiant an act was furious.<sup>1</sup> As soon as there had been time to devise a fit method of punishment, the King sent a message <sup>1774.</sup> <sup>March 7.</sup> to both Houses, calling their attention to "the violent and outrageous proceedings," and recommending the adoption of such measures as to the legislative wisdom might seem meet for maintaining the authority of Parliament and the dignity of the Crown. The Lords replied immediately with an Address, avowing their "earnest desire to make such provisions as upon mature deliberation should appear necessary and expedient for securing the just dependence of the Colonies upon the Crown and Parliament of Great Britain, and for enforcing a due obedience to the laws of this Kingdom throughout all his Majesty's dominions." The Commons voted a similar Address, but not till after some debate, in the course of which Mr. Edmund Burke, supported by General Conway, arraigned "the weakness and violence, the ill-timed

<sup>1</sup> Feb. 4, 1774. "General Gage, though just returned from Boston, expresses his willingness to go back at a day's notice if coercive measures are adopted. He says: 'They will be Lions while we are Lambs; but if we take the resolute part they will undoubtedly prove very meek.' Four Regiments sent to Boston will,

he thinks, be sufficient to prevent any disturbance. All men now feel that the fatal compliance in 1766 has increased the pretensions of the Americans to thorough independence." (The King to Lord North; Brougham's *Statesmen of George III.*, 1, 83; Frothingham's *Republic*, 353.)

severity and lenity, the irresolution at one time, and the invincible obstinacy at another, the arrogance and meanness of the several administrations, relative to their conduct towards the Americans for the last seven years."

Lord North introduced into the House of Commons his "Bill for the immediate removal of the officers <sup>1774.</sup> concerned in the collection and management of <sup>March 14.</sup> His Majesty's Duties of Customs from the town of Boston in the Province of Massachusetts in North America, and to discontinue the landing and discharging, lading and shipping of goods, wares, and merchandise, at the said town of Boston or within the harbor thereof." This Bill, since familiarly known as the "Boston Port Bill," provided that, after an early day, it should not be lawful "to load or unload any vessel with merchandise in any quantity or of any sort, except military or other stores for his Majesty's use," and except "any fuel or victual brought coastways from any part of the continent of America, for the necessary use and sustenance of the inhabitants of the said town of Boston."<sup>1</sup> The bill was fortified with appropriate penalties, as the forfeiture of vessels and cargoes detected in attempts to export or import; the fining of offending wharfingers and others to the extent of three times the value of the merchandise which they had unlawfully handled; and the punishment by heavy pecuniary mulcts, and an incapacity for further service, of all naval and other officers of the King who should be bribed or otherwise influenced to connive at any breach of the Act. And it was to remain in force till the King should have proof that the East India Company had been indemnified for the recent destruction of their tea, and till it should "be certified to his Majesty in Council, by the

<sup>1</sup> To prevent an abuse of this indulgence, it was provided in the Act that coasters bringing food or fuel to Boston should be first searched at Marblehead, and should bring thence a revenue officer, with a sufficient force for his defence while the vessel should be on her way or should remain within reach of the town.

Governor or Lieutenant-Governor of Massachusetts Bay, that reasonable satisfaction had been made to the officers of his Majesty's revenue and others, who suffered by the riots and insurrections . . . . in the months of November and December, 1773, and in the month of January, 1774."<sup>1</sup>

On the motion for leave to bring in this Bill (which, in the face of much objection, took place within closed doors), and on its second and third readings, it was largely debated in the House of Commons. Lord North argued that British commerce could not be safe while it continued in the harbor of Boston; that what was now under the notice of the House was the third instance in which the officers of the customs had been prevented from doing their duty there; and in defence of the punishment of a town for disorders which its authorities failed to repress, he instanced the cases of the cities of London, Edinburgh, and Glasgow, fined in former times for acts of violence done within their limits. "His Lordship observed that Boston alone was to blame for having set this example; therefore Boston ought to be the principal object of attention for punishment. . . . He hoped that all would agree with him, both peers, members, and merchants, to proceed unanimously to punish such parts of America as denied the authority of this country. We must," he said, "punish, control, or yield to them." Charles James Fox (then new in public life) and Edmund Burke opposed the minister on this occasion. But remon-

<sup>1774.</sup> strances and scruples availed nothing. The Bill  
<sup>March 28.</sup> was passed by the Commons without a division. The Lords gave less time to the consideration of it. After laying on their table a petition against it of Benjamin Franklin, Arthur Lee, and others, "natives of his Majesty's

<sup>1</sup> I suppose this language refers to many scenes of turbulence, — the tar-  
the destruction of the tea, &c. "No rings and the featherings, the riot-  
doubt the main argument of Lord ings and burnings." (Mahon, VI. 4.)  
North and with his hearers lay in the

dominions in America," and listening to an argument of Bollan, the agent of Massachusetts, they passed it without a dissenting voice. And the next day <sup>1774.</sup> <sup>March 30.</sup> it received the royal assent.<sup>1</sup>

The King, or the King's government, was not satisfied with this severity. Very imprudently, when the best chance for discouraging, enfeebling, and humbling Massachusetts was to be found in causing her, if possible, to stand alone, the Minister proceeded to measures which did no less than invite the other Colonies to associate themselves with her as for the maintenance of a common cause. Three days after he had carried the Boston Port Bill through the House of Commons, Lord North obtained "leave to bring in a Bill for better regulating the Government of Massachusetts Bay." The great feature of this bill was a change in the constitution of the legislature of that Colony, as determined by the charter. Among the chartered privileges of Massachusetts there was none more vital than the right of the citizens through their General Court to elect, subject to the Governor's negative, the persons who should constitute the Upper House of that Court. Lord North's new Bill provided that henceforward "the Council or Court of Assistants of the said Province for the time being should be composed of such of the inhabitants or proprietors of lands within the same, as should be thereunto nominated and appointed by his Majesty, his heirs and successors, from time to time, by warrant under his or their signet or sign manual, and with the advice of the Privy Council." By this provision Parliament assumed to abrogate the charter of Massachusetts (without any legal process, such as, in the last century, had determined that the charter had been

<sup>1</sup> On this day, before the King of the signers were the same persons went to the House of Lords, he received a petition praying him to suspend his assent to the bill. Several who had addressed the petition to the Lords.



forfeited by misuse), and gave notice to all the other Colonies that their charters gave them no protection.

The Bill further provided that the King's Governor or Lieutenant-Governor for the time being might appoint and remove all judges and officers of the courts, including sheriffs (except that to a removal of sheriffs a concurrence of the Council should be requisite); that jurors should be selected by the sheriffs, instead of, as heretofore, by the towns; and that no business, except the choice of town officers and Representatives, should be lawful at town meetings, "without the leave of the Governor, or, in his absence, of the Lieutenant-Governor, in writing, expressing the special business of the said meeting, first had and obtained." The character of this Bill was so ostentatiously vindictive that it could not fail to provoke much opposition. General Conway and Colonel Barré, who had thought the Boston Port Bill just and necessary,

1774. were among the opponents of this. The House  
May. of Commons passed it by a vote of 239 against 64. When the Lords concurred, Lord Rockingham and ten other Peers recorded a Protest in the Journal of their House. The debates of the Lords on this occasion have not been preserved, but the Bishop of St. Asaph published "a speech intended to have been spoken," which won for him warm commendation in America.

Lord North's resources for bringing to an end the conflict with Massachusetts were not exhausted. His next  
April. venture was in a bill which authorized the Chief Magistrate for the time being, with the advice of his Council, to convey for trial to any other Colony, or to Great Britain, any person who should be prosecuted "for murder or other capital offence" by reason of acts done "either in the execution of his duty as a magistrate for the suppression of riots, or in the support of the Laws of Revenue, or in acting in his duty as an Officer of Revenue, or in acting under the direction and order of any Magis-

trate for the suppression of riots, or for the carrying into effect the Laws of the Revenue." Mr. Edmund Burke now<sup>1</sup> made his great "Speech on American Taxation." Lord North made a brief reply. After debate this bill, too, was carried through the House of Commons by 127 votes against 24, and through the Upper House by 43 against 12. Lord Rockingham and seven other Peers recorded their protest against it.

Some of the excitement belonging to the occasion being thus in a way to be worked off, the calmer statesmen took heart to propose a healing measure. Mr. Rose Fuller gave notice in the House of Commons of a motion "for a Committee on the Tea Duty, to see whether or not it was possible to repeal the Act laying that duty, before the Bill for the better regulating the government of Massachusetts should take effect." By 182 votes against 49, the House refused to raise the Committee.

It was intended to send troops to Massachusetts, and, to preclude all doubt of the authority of ministers to post them in the midst of the inhabitants, the Secretary of War (Governor Bernard's friend, Lord Barrington) introduced a "Bill for the better providing suitable quarters for officers and soldiers in his Majesty's service in North America," making it "lawful for the Governor of the Province to order and direct such and so many uninhabited houses, out-houses, barns, or other buildings, as he shall think necessary, to be taken (making a reasonable allowance for the same) and made fit for the reception of such officers and soldiers, and to put and quarter such officers and soldiers therein, for such time as he shall think proper." The Bill was carried through the House of Commons without a division. The Lords passed it by 57 votes against 16. Lord Chatham came from his retirement to make a vigorous speech against it. "Shall we wonder, my

<sup>1</sup> April 19, 1774.

Lords," he said, "if the descendants of such illustrious characters [as had founded the Colonies] spurn with contempt the hand of unconstitutional power that would snatch from them such dear-bought privileges as they now contend for? . . . . This, my Lords, though no new doctrine, has always been my received and unalterable opinion, and I will carry it to my grave, — that this country had no right under heaven to tax America. . . . . Instead of adding to their miseries, as the Bill now before you most undoubtedly does, adopt some lenient measures which may lure them to their duty. Proceed like a kind and affectionate parent over a child whom he tenderly loves, and instead of these harsh and severe proceedings, pass an amnesty on all their youthful errors. Clasp them once more in your fond and affectionate arms, and I will venture to affirm you will find them children worthy of their sire."

In Lord North's well-stored quiver was one barbed arrow more. In his (or, as it was ostensibly, Lord Dartmouth's) "Act making more effectual provision for the government of the Province of Quebec in North America,"<sup>1</sup> was discerned a claim to erect in any Province in America an indefinite authority like that which under a despot of the house of Stuart distressed Massachusetts ninety years before.

1774. A few days after intelligence of the passing of  
May. the Boston Port Bill reached Massachusetts, the

<sup>1</sup> On the Quebec Act there was, between May 26 and June 13, a vehement debate, of which little was known till, in 1839, a new settlement being then projected for Canada, the full notes of Sir Henry Cavendish, who was a member of the House of Commons from 1768 to 1774, were disinterred from among the Egerton manuscripts in the British Museum, and this portion of them was published in an octavo volume of three hundred pages.

Walpole (Memoirs of Reign of George III., II. 333) uses this language: The plan of the establishment of a civil government in Canada "remained unsettled till the year 1774, when the famous bill, called the Quebec bill, in favour of Popery, was passed, and, agreeably to the supposed author Lord Mansfield's arbitrary principles, took away decisions by juries."

General Court assembled agreeably to a provision of the charter. General Thomas Gage, who for eleven years had been Commander-in-Chief of the King's forces in North America, now first appeared as Governor of Massachusetts, it being thought to be for the King's service, in the existing circumstances, that the headquarters of the army should be in Boston. Twenty-six Counsellors were chosen for the current year, of whom the new Governor disallowed thirteen, and no step was taken to supply the vacancies. In his brief opening speech, the Governor announced that he had "the King's particular commands for holding the General Court at Salem from the first of next month, until his Majesty shall have signified his royal will and pleasure for holding it again at Boston."

The House, by a vote of 123 against 8, "ordered that the Committee of Correspondence be directed to write to the Committees of Correspondence of all the British Colonies on this continent, enclosing a copy of an unprecedented act of the British Parliament for shutting up the Port of Boston and otherwise punishing the inhabitants of said town, and desiring their immediate attention to an act designed to suppress the spirit of liberty;" and considering that "the inhabitants of this Province labored under very great difficulties and distresses which called for a public acknowledgment of the Supreme Ruler of the world, under whose gracious providence alone we may expect relief," they prayed the Governor to appoint a day of solemn prayer and fasting; a request to which, as was probably expected, he gave no attention. They went through the form of "granting to his Majesty the sum of thirteen hundred pounds for the support of his Excellency the Governor," and after a four days' session were adjourned for ten days, to meet next at Salem.

At Salem, the House passed Resolves, complaining, with the usual arguments, of the "very great grievance" of being convoked at another place than

1774.  
June.

Boston. They appointed the Speaker, Mr. Hawley, Mr. S. Adams, and six others, to be a Committee "to consider the state of the Province and the Act of Parliament for shutting up the harbor of Boston," and proceeded to business of routine while the Committee was at its work. After a week,<sup>1</sup> the Speaker announced that the fruit of their deliberations was ready. The House received it with closed doors. The Committee reported, and the House adopted, a series of Resolves, recommending an invitation to "the several Colonies on this continent" to meet in Congress "to consult upon the present state of the Colonies, and the miseries to which they are and must be reduced by the operation of certain Acts of Parliament respecting America, and to deliberate and determine upon wise and proper measures to be by them recommended to all the Colonies for the recovery and establishment of their just rights and liberties, civil and religious, and the restoration of union and harmony between Great Britain and the Colonies, most ardently desired by all good men;" proposing "to all, and more especially the inhabitants of this Province, to afford them [the inhabitants of Boston and Charlestown] speedy and constant relief in such way and manner as shall be most suitable to their circumstances, till the sense and advice of our sister Colonies shall be known, in full confidence that they will exhibit examples of patience, fortitude, and perseverance, while they are thus called to endure this oppression for the preservation of the liberties of their country;" requesting the towns, with a view to the expenses about to be incurred, to place moneys in the hands of the Speaker in proportion to the sums levied upon them respectively by the customary Province Tax; and urging upon the inhabitants of the Province to "renounce altogether the

<sup>1</sup> The House did not omit to keep alive the claim of the unpaid agents in London. June 14 and 16 it passed votes for compensating Franklin, Bollen, and De Berdt.

consumption of India Teas, and, as far as in them lies, discontinue the use of all goods and manufactures whatsoever that shall be imported from the East Indies and Great Britain, until the public grievances of America shall be radically and totally redressed."

The Governor, informed how the House was employed, sent the Secretary with his proclamation dissolving the Court, "the proceedings of the House of Representatives in the present session" making that measure—so the Proclamation alleged—"necessary for his Majesty's service." The Secretary could not obtain admission to the Representatives' Hall, and read the paper outside of the door. It was the last message of a royal Governor to a General Court of Massachusetts.

On the day of the assembling of the Court at Salem, and of Governor Hutchinson's departure from America, the Boston Port Bill took effect. <sup>1774.</sup> <sup>June 1.</sup> Boston had been an active commercial town,<sup>1</sup> and in one way or another almost all its inhabitants lived upon commerce. The Port Bill, in closing the harbor to navigation, struck a heavy blow at them all,—from those in easy circumstances to those who depended for their day's living on their day's work. Business of all kinds came to a stand-still. Men of property received no rents. Mechanics had no employment. Laboring men could earn no wages. One may gain some partial conception of the state of things in Boston at that time by imagining to what misery one of our large manufacturing towns would be reduced if a fire should sweep away at once all its buildings and machinery. But even such a catastrophe would but imperfectly represent the ruin which was now wrought in Boston; for the population of our manufacturing towns is in great part migratory, having little

<sup>1</sup> I have read somewhere that in Boston Custom House, and 411 clear-the year 1772, when its commerce ances. But I cannot now refer to was already much crippled, there the authority. were 587 entries of vessels at the

dependence on any immovable property in the place of their present habitation, and able, without much sacrifice, should occasion require it, to transfer their gainful industry to some other place.

The day was observed in other parts of the country with demonstrations of public mourning. The Ministry had flattered themselves that the commerce of the country would be carried on by rival ports, profited as these would be by the desertion of the chief town. On the contrary, at the rival ports people were thinking of nothing so much as how the sufferings of Boston, incurred in the common cause, could be lightened. Salem and Marblehead, the two next most important marts of the Province, offered to the Boston merchants the gratuitous use of their wharves and warehouses, and the services of their people in discharging and unloading their vessels.

It did not take long for the stagnation to bring actual want. The richer sort in the stricken town, though beginning to be straitened themselves, opened their purses  
 1774. to their more needy neighbors. Presently contri-  
 July. butions of money, of fuel, and of different kinds of food came in from the country towns of Massachusetts; then from other parts of New England,<sup>1</sup> from the Colonies

<sup>1</sup> "The *free* constitution of these Colonies makes them such nurseries of freemen as cannot fail to alarm an arbitrary ministry. They only wait a favorable opportunity to abolish their charters, as they have done that of the Massachusetts Bay. We know the principle the Parliament have adopted and openly profess to act upon, that they have a right to alter or annihilate charters when they judge it convenient. And we may depend upon it, whenever they shall think it can be done without raising too great commotions in the Colonies, they will judge it convenient. Some may imagine it was the destroying the tea induced the Parliament to

change the government of the Massachusetts Bay. If it was, surely 't is very extraordinary to punish a whole Province and their posterity through all ages, for the conduct of a few individuals. How soon will a riot or some disorder of a few individuals afford them a pretext for the like treatment of all the other charter governments." (Samuel Sherwood, Fast Sermon at Fairfield, Aug. 31, 1774, p. 69.) "Suffer me then to entreat you [of the western parts of the Colony of Connecticut] in some proper way to show your hearty concurrence with other parts of the continent in the cause of American liberty . . . and to open your hearts



farther south, and even from Canada. Throughout British America the feeling prevailed that the cause which had brought on Boston such distress was of common interest to every Briton on the continent.<sup>1</sup>

Two British regiments came to the doomed town in the first fortnight of the enforcement of the blockade, and two others presently after. There was a regiment at Salem, fifteen miles away, and reinforcements from Quebec and the middle Colonies were under marching orders. The Governor made arrangements with a view to what might be in the near future. He stationed a guard at a small work which he built on the *Neck*, the isthmus (now artificially widened) which connected Boston with the mainland. In the arsenal of Charlestown were two or three hundred barrels of powder belonging to the Province. He sent two companies in boats by night, who carried off the powder and lodged it in the Castle. At Cambridge, in like manner, he made prize of two small pieces of cannon.

to commiserate and contribute to the relief of the suffering poor of the town of Boston. What hath been said I trust makes it sufficiently appear that they are suffering in the common cause of American liberty. . . . . The design in bearing thus hard upon one Colony is evidently to divide the Colonies, and thus to bring them one after another to submit to the arbitrary claims of Parliament. All their means of subsistence depended on their trade, which by this Act is wholly taken away. So that without assistance from the other Colonies they must inevitably yield, unless so very patriotic as to be willing to starve to death. Our turn may soon come, when we may want the like kind assistance from our brethren." (Ibid., 80.) This view of the subject was earnestly enforced by the leaders of opinion, and was commonly entertained. Comp. the letter of sym-

pathy and encouragement addressed (June 22, 1774) by the General Association of Connecticut to the ministers of Boston, in Mass. Hist. Soc. Coll., XII. 255.

<sup>1</sup> See Hist. Genealog. Register, XXX. 373; comp. Mass. Hist. Soc. Coll., XIX. 158, for a detailed account of contributions made at this time for the relief of Boston. July 18, 1778, this was certified, by Alexander Hodgdon, town clerk, to be "a true copy of the account of all the donations received by the Committee appointed by the town." The list is headed by the towns of Wrentham and Groton, which sent their contributions as early as July 5. Out of Massachusetts the largest contribution was from South Carolina, which gave about three thousand pounds. Members of the Continental Congress collected among themselves seven hundred and fifty pounds.

The general state of things in Massachusetts during this summer is described by an observer, who, if not always accurate, unquestionably wrote in good faith, while he was so situated as to be well informed, even beyond such events as were of common notoriety. In the prevailing apprehension as to what further might be coming, arms and ammunition were bought upon the sea-board and conveyed to the interior towns for safe-keeping. Numerous companies of volunteers were organized, and trained in military exercises by officers of their choice, — both privates and officers being not infrequently veterans of the French wars. Even in the western counties this martial spirit was now observed to prevail, where hitherto there had appeared a less sensitive opposition to ministerial encroachment. The farmers avoided selling supplies to the troops in Boston. “The straw purchased for their service was daily burned; vessels with brick intended for the army were sunk, and carts laden with wood overturned.”<sup>1</sup> The more they were considered, the more did the regulations of the new laws respecting the constitution of the Provincial Council, the deliberations of town-meetings, and the selection of jurors, reveal themselves as intolerable assumptions of power. In Suffolk, and subsequently in other counties, jurors refused to take the oaths requisite to qualify them for service in the courts, both on the ground that the judges who had received salaries from the King had by so doing abdicated their office, and that the late law taking away from the towns and giving to the sheriffs the designation of jurymen was a mere usurpation of power.

When the former charter of Massachusetts had been annulled, it had been by what, however otherwise irregular and oppressive, was a regular process in the courts of law. Massachusetts had been arraigned for abusive violations of her charter, and on what was assumed to be

<sup>1</sup> Gordon, l. 264.

proof of such violations, had been condemned to lose it. Now, without a judicial scrutiny, Parliament, by an act of its own, had presumed to abrogate her charter; for no provision of that instrument was more essential and fundamental than that which related to the constitution of the Legislature. The charter gave the legislative power to two bodies, one of which — the Council — was to consist of persons annually designated for that service by the two branches convened in General Court. Parliament, by its late "Act for better regulating the government of Massachusetts Bay," had ordained that the Council, instead of consisting of persons so designated from year to year, should consist of persons appointed by the King, as hitherto, in conformity with the charter, the Governor, Lieutenant-Governor, and Secretary had been. When intelligence came of the appointment of the thirty-six *Mandamus Counsellors* (as they were called), there could be no expectation in any quarter in the Colony that the Representatives, whenever convened, would consent to act with them in a General Court. But the popular uneasiness required a speedier relief from their pretensions. The manifestations of it were so unmistakable that, of the twenty-four new Counsellors who alone ventured at first to accept the trust, none held out for any length of time. The Governor was fain to write to Lord Dartmouth: "Several of the new Counsellors, who dwell at a distance, have fled from their houses and been obliged to seek protection among the troops in Boston." In short, one after another, they all withdrew by resignation, or less formally, from the odious service, and the scheme came to nothing.

The operations of the Committees of Correspondence between the Colonies were not tardy, and only a few weeks intervened between the action of Massachusetts for a General Congress and the meeting at Philadelphia of the delegates commissioned to compose that body. Except Georgia and Nova Scotia, all the con-

1774.

Sept. 5.

tinental Colonies that belonged to the British Empire in America before the conquest of New France were represented. From her sister Colonies of New England, <sup>1774.</sup> <sup>May.</sup> Massachusetts had been receiving assurances of <sup>June.</sup> sympathy, the sincerity of which was attested in <sup>July.</sup> them all by action similar to her own. On receiv- <sup>August.</sup> ing information of the closing of the port of Boston, the Committee of Portsmouth, New Hampshire, wrote to the Committee of Boston: "We will exert ourselves to carry any plan into effect which may be concerted by the Colonies for the general relief. We sincerely wish you resolution and prosperity in the common cause, and shall ever view your interest as our own." A cargo of tea arriving at Portsmouth was, through apprehension of a popular disturbance, despatched by the consignees to Halifax.<sup>1</sup> The Representatives, foiled by the loyal Governor, who dissolved them,<sup>2</sup> in a movement to appoint delegates to the General Congress, called a convention of the towns, at which a day for fasting was appointed, and two delegates were chosen to represent the Province in that body. In Rhode Island the Assembly had passed Resolves full of determination, when they appointed their most eminent fellow-citizens, Hopkins and Ward, to represent the Colony in the Congress at Philadelphia, and when, in preparation for the miseries of the time, they set apart a day of public fasting, prayer, and supplication.<sup>3</sup> They had made arrangements for improved military efficiency, and for collecting the sense of the people respecting supplies for the poor of Boston;<sup>4</sup> and a number of the towns had expressed in resolute lan-

<sup>1</sup> Another cargo, arriving in the autumn (September 8), was disposed of in the same way.

<sup>2</sup> N. H. Prov. Papers, VII. 367-369, 399-401; comp. 407-425. Governor Wentworth was charged by his uncle Hunking Wentworth, among others, with having hired carpenters

to work for General Gage in Boston (N. H. Prov. Papers, VII. 418, 419); and the person said to have been employed by him in this transaction was brought into trouble with his fellow-citizens at Rochester.

<sup>3</sup> R. I. Rec., VII. 246, 249.

<sup>4</sup> Ibid., 247, 250, 255, 257.

guage the views of their inhabitants respecting the enormities of the time.<sup>1</sup> In Connecticut, also, a day had been promptly appointed for fasting and prayer, after the news of the Port Bill; the military organization had been revised, and liberal contributions had been made for the poor of Boston.<sup>2</sup> But throughout the Colonies there had been expressions of opinion — in some more, in some less, positive and animated — respecting the dangers with which all alike were threatened, and the obligation to make the resistance and the sufferings of Massachusetts a common cause.

The delegates to the General Congress appointed Peyton Randolph, of Virginia, to be their President, and then proceeded to examine each other's credentials. These credentials were of different sorts. The delegates from Massachusetts and Rhode Island were appointed by the Assemblies of those Colonies; those from Connecticut, by the Committee of Correspondence, acting under authority from the Assembly. In New Hampshire, Maryland, New Jersey, Pennsylvania, Virginia, and South Carolina, the delegations were chosen by conventions of the counties and towns. In Delaware, the Assembly not being in session, the members were called together for a choice by a letter from the Speaker. From New York came only delegations from some of the counties.

Forty-four delegates appeared on the first day, the three Representatives of North Carolina not having yet arrived. The delegations from different Colonies were unequal in number. The Congress "re-  
1774.  
Sept.

<sup>1</sup> R. I. Rec., VII. 272-282.

<sup>2</sup> In the first week of September, on a false alarm to the effect that the troops in Boston had attacked the people, Israel Putnam marched a party from Connecticut to help in the

defence of that town. Having proceeded some thirty or forty miles, he learned that the report was unfounded, and turned back. (Force, American Archives, IV. 942-944.)

sessed of, or at present able to procure, proper materials for ascertaining the importance of each Colony." A Committee was raised "to state the rights of the Colonies in general, the several instances in which these rights are violated or infringed, and the means most proper to be pursued for obtaining a restoration of them;"<sup>1</sup> and another to "examine and report the several statutes which affect the trade and manufactures of the Colonies." It was ordered that the Committees should consist, respectively, of two delegates, and of one delegate, from each Colony. Washington, one of the seven delegates from Virginia, was placed on neither Committee. On the first, Virginia was represented by Richard Henry Lee and Edmund Pendleton, on the second by Patrick Henry; of the first, Samuel Adams and John Adams, of Massachusetts, were members, and of the second, Thomas Cushing.<sup>2</sup>

The Congress was in session nearly eight weeks, much of the time being passed in waiting for the action of the Committees. On the presentation by the delegates from Massachusetts of Resolves from the Counties of Middlesex and Suffolk, expressing the sense entertained in those communities of the existing state of things, it was "resolved unanimously that this Assembly deeply feels the suffering of their countrymen in the Massachusetts Bay, under the operation of the late unjust, cruel, and oppressive acts of the British Parliament; that they most thoroughly approve the wisdom and fortitude with which opposition to these wicked ministerial measures has hitherto been conducted, and they earnestly recommend to their brethren a perseverance in the same firm and temperate conduct as expressed in the Resolutions deter-

<sup>1</sup> To this Committee was afterwards added (September 19) one member from each of the Colonies of Massachusetts, Virginia, and Pennsylvania; viz., Messrs. Cushing, Henry, and Mifflin.

<sup>2</sup> James Bowdoin and Robert Treat Paine had been associated with them by the General Court of their Colony. But Bowdoin was kept at home by ill health.

mined upon at a meeting of the Delegates for the County of Suffolk on Tuesday the 6th instant, trusting that the effect of the united efforts of North America in their behalf will carry such conviction to the British Nation of the unwise, unjust, and ruinous policy of the present Administration, as quickly to introduce better men and wiser measures ;” and “ that contributions from all the Colonies for supplying the necessities and alleviating the distresses of our brethren at Boston ought to be continued in such manner and so long as their occasions may require.”

Next, the delegates “ resolved unanimously that the Congress request the merchants and others in the several Colonies not to send to Great Britain any orders for goods, and to direct the execution of all orders already sent to be delayed or suspended, until the sense of the Congress on the means to be taken for the preservation of the liberties of America is made public ;” and the measure was followed up by Resolves, that after the first day of the following December there should be no importation, purchase, or use of commodities from Great Britain or Ireland, and that after a year, “ unless the grievances of America are redressed before that time, exportations to those countries from the Colonies should cease.”<sup>1</sup> When the Standing Committees reported, the Congress seems to have thought that they had carried their researches unnecessarily far back into the colonial history ; for votes were passed “ that the Congress do confine themselves, for the present, to the consideration of such rights only as have been infringed by Acts of the British Parliament since the year 1763, postponing the further consideration of the general state of American rights to a future day, . . . . and that the Congress in

<sup>1</sup> A remarkable exception, however, to this non-exportation agreement permitted the exportation of rice. This exception was made because the delegates from South Caro-

lina said that without it their constituents would not consent to their being parties to the compact. (*Works of John Adams*, II. 385.)



the meanwhile deliberate on the means most proper to be pursued for a restoration of our rights.”<sup>1</sup> A new Com-

1774.  
Oct. mittee was raised to prepare “a loyal Address to his Majesty, dutifully requesting the royal attention to the grievances that alarm and distress his Majesty’s faithful subjects in North America, and entreating his Majesty’s gracious interposition for the removal of such grievances.” On receiving information from the Boston Committee of Correspondence of the threatening proceedings of General Gage in that place, with a request for advice, the Congress addressed a letter of remonstrance to General Gage, and passed Resolves approving “the opposition of the inhabitants of the Massachusetts Bay to the execution of the late Acts of Parliament,” and declaring that “if the same shall be attempted to be carried into execution by force, in such case all America ought to support them in their opposition,” and that, though a general removal of the inhabitants from Boston would be

<sup>1</sup> “This decision was not arrived at without much difference of opinion. . . . The limitation was fixed by the influence of Virginia, combining with the least resolute party, desirous of avoiding abstract principles on which a difference would admit of no reconciliation, and keeping the issue exclusively upon the temporary action of the existing ministry at home.” (Works of John Adams, II. 376, note.)

This was a very critical period in the deliberations of Congress. September 28, Mr. Galloway, of Pennsylvania, already observed as untrustworthy in the cause of American rights, and afterwards avowedly an apostate from it, proposed his “Plan for a proposed Union between Great Britain and the Colonies,” with a Resolve, said to have been defeated by a majority of only one Colony, “that this Congress will apply to his Majesty for a redress of grievances

under which his faithful subjects in America labor, and assure him that the Colonies hold in abhorrence the idea of being considered independent communities on the British Government, and most ardently desire the establishment of a political union, not only among themselves, but with the mother State, upon those principles of safety and freedom which are essential in the constitution of all free Governments, and particularly that of the British Legislature. And as the Colonies from their local circumstances cannot be represented in the Parliament of Great Britain, they will humbly propose to his Majesty and his two Houses of Parliament the following Plan, under which the strength of the whole Empire may be drawn together on any emergency, the interests of both countries advanced, and the rights and liberties of America secured.”

a measure so inconvenient that it could not at present be recommended, yet, if "the Provincial Meeting of that Colony should judge it absolutely necessary, it was the opinion of the Congress that all America ought to contribute towards recompensing them for the injury they might thereby sustain." They recommended to the invaded Colony "to submit to a suspension of the administration of justice where it cannot be procured in a legal and peaceable manner under the rules of their present charter, and the laws of the Colony founded thereon ;" while, by a unanimous voice, they pronounced "that every person and persons whosoever who shall take, accept, or act under any commission or authority, in any wise derived from the Act passed in the last session of Parliament, changing the form of Government, and violating the Charter of the Province of Massachusetts Bay, ought to be held in detestation and abhorrence by all good men, and considered as the wicked tools of that despotism which is preparing to destroy those rights which God, nature, and compact have given to America."

Committees were charged "to bring in a Bill for carrying into effect the non-importation, non-consumption, and non-exportation resolved on," and to prepare "a Memorial to the people of British America," and "an Address to the people of Great Britain." A Declaration of Colonial Rights was agreed upon in the form of eleven Resolves. "A Non-Importation, Non-Consumption, and Non-Exportation Agreement or Association" was entered into, to which each member subscribed his name, in token of binding his constituents as well as himself. The Congress "resolved that the seizing or attempting to seize any person in America, in order to transport such person beyond the sea for trial of offences committed within the body of a county in America, being against law, will justify, and ought to meet with, resistance and reprisal." After full discussion, an "Address

to the People of Great Britain" was adopted, and a "Memorial to the Inhabitants of the British Colonies;" and later, an "Address to the King" (subscribed by all the delegates), an "Address to the Inhabitants of Quebec" (Canada) bespeaking their co-operation, and "Letters to the Colonies of St. John's, Nova Scotia, Georgia, and East and West Florida," — letters which contained nothing but the briefest account of the measures which had been taken in the Congress, with a recommendation to those hitherto indifferent Colonies to adopt the like "with all the earnestness that a well-directed zeal for American liberty can prompt." Thanks were voted "to those truly noble, honorable, and patriotic advocates of civil and religious liberty, who have so generously and powerfully, though unsuccessfully, espoused and defended the cause of America, both in and out of Parliament." Letters were addressed to the agents of the several Colonies in England, directing them to publish the Addresses to the King and to the people of Great Britain, and to cultivate the "friendship of all great and good men who may incline to aid the cause of liberty and mankind." Finally, it was "Resolved, as the opinion of this Congress, that it will be necessary that a Congress should be held on the tenth day of May next, unless the redress of grievances, which we have desired, be obtained before that time."<sup>1</sup> The doings of the Congress were approved by the legislatures of all the Colonies that had any representation in it, except the Assembly of New York, the politics of which Province were always fluctuating.

<sup>1</sup> I have related above the formal transactions of the Congress as they were recorded in the Journal of that body. It is not to be supposed that the means taken to reconcile the various theories, interests and sentiments of different sections and different delegates, and harmonize them

into unanimous action, will ever be recovered to any great extent. But a good idea of their tenor may be gathered from that part of the Diary of Mr. Adams which relates to the period. (Works of John Adams, II. 358-402.)

While the Continental Congress was thus employed, there had been in Massachusetts a session of a body which took to itself the name of the *Provincial Congress*. The Governor had issued his precepts for the choice of Representatives to a new General Court, but, probably on account of the resignation of the Mandamus Counsellors,<sup>1</sup> had altered his mind, and prorogued the Court before the designated day. Ninety Representatives, however, or more, came together; and, the Governor not ap-<sup>1774.</sup>pearing, as they could not have expected that<sup>Oct.</sup> he would, they chose John Hancock to be their chairman, and voted that they “do now resolve themselves into a Provincial Congress, to be joined by such other persons as have been or shall be chosen for that purpose, to take into consideration the dangerous and alarming situation of public affairs in this Province, and to consult and determine on such measures as they shall judge will tend to promote the true interest of his Majesty, and the peace, welfare, and prosperity of the Province.” At Concord, to which town they removed from Salem, they appointed sixteen persons, known as among the most zealous of their number, to constitute “a Committee to take into consideration the State of the Province.” They sent a message to the Governor, remonstrating against his “hostile preparations,” and resolved that public moneys in the hands of collecting officers should not be paid to the Treasurer of the Province, but should be reserved to await the further directions of “a constitutional Assembly,” and that assessors should proceed as usual to apportion the tax levied by the last General Court, and pay it over to receivers authorized by

<sup>1</sup> The reasons alleged by him for his change of purpose were “the many tumults and disorders which have since taken place, the extraordinary Resolves which have been passed in many of the counties, the instructions given by the town of Boston and some other towns to their Representatives, and the present disordered State of the Province.” (Journals of the Provincial Congress of Massachusetts, 3.)

the several towns and districts. They then adjourned to Cambridge.

Assembled at Cambridge, they received from the Governor, in answer to their Address, a defence of his measures as at once harmless and necessary, and a warning to desist from their "illegal and unconstitutional proceedings." Having resolved to sit for the future with closed doors, they raised Committees "to make as minute an inquiry into the present state and operations of the army as may be," and "to consider what is necessary to be now done for the defence and safety of the Province." They resolved that such Mandamus Counsellors as should have failed, after ten days, to give satisfactory assurances of their determination not to act in that capacity, should be denounced by name in the newspapers "as infamous betrayers of their country," and "rebels against the State." They recommended "to the people of the Province an abhorrence and detestation of all kinds of East India teas," and "advised that every town and district appoint a Committee to post up in some public place the names of all . . . who should sell or consume so extravagant and unnecessary an article of luxury." They appointed a day of thanksgiving, to be held at the customary season, in which special consideration was to be had of "the union, so remarkably prevailing, not only in this Province, but throughout the continent, at this alarming crisis." They resolved on the purchase of powder, ordnance, and ordnance stores to the amount of more than twenty thousand pounds. They constituted a permanent Committee of Safety, with comprehensive military powers; made a complete organization of the militia; embodied a force of minute-men, consisting of one quarter part of the force of the Colony, and appointed to the chief command Jedediah Preble, Artemas Ward, and Seth Pomeroy, veterans of the old French War. They chose a Receiver-General, to act in the place of the Provincial Treasurer,

to whom public moneys were no longer to be paid. They invited the Counsellors chosen by the last General Court, but disallowed by the Governor, to attend at their next meeting, as "the constitutional members of his Majesty's Council," that the Congress might "have the benefit of their advice." They sent to the Governor and published in the newspapers a further remonstrance against his course and vindication of their own, in a reply to his answer to their message, and then adjourned their session, to be held again, after three weeks, in the same place.<sup>1</sup>

When the Provincial Congress next met, they had received a copy of the proceedings of the Continental Congress, which, after careful deliberations, they approved and ratified for their own jurisdiction. 1774.  
Dec.

Little remained to be done by them till they should be informed, after the meeting of Parliament, of the reception of their proceedings during the summer and autumn; for sanguine men, and not the sanguine alone, still entertained a hope that the resolution and unanimity which had been manifested in America in respect to a commercial non-intercourse, would lead to a reversal of the oppressive English policy which was complained of. They chose for members from Massachusetts of the next Continental Congress the same four gentlemen who had served in the last, with the addition of John Hancock. They addressed to the towns an appeal for liberal contributions for the relief of Boston and Charlestown, and to the clergy an exhortation to interest themselves with the people of their several congregations in favor of "the resolutions of the Continental Congress, as the most peaceable and probable method of preventing confusion and bloodshed." They ordered a census of the number of inhabitants, and the quantity of exports and imports of merchandise and of the manufactures of all kinds in this Colony, for the use

<sup>1</sup> Journals of the Provincial Congress of Massachusetts, 3-18.

of the next Continental Congress; and meantime, they recommended increased attention to various kinds of manufactures. They added two general officers, John Thomas and William Heath, to the three already chosen. They issued an Address to the inhabitants, exhorting them at once to constancy, and to abstinence from all disorderly behavior in that "post of honor, because the post of danger, in which they were placed by Providence." They recommended to the towns a thorough arming and frequent drilling of their minute-men, and expressed their sense of security in the Divine blessing on the preparations they had made. They then dissolved themselves, with a recommendation to the towns to send Representatives to a similar Congress, to meet after an interval of eight weeks.<sup>1</sup>

<sup>1</sup> Journals of the Provincial Congress of Massachusetts, 48-74.



## CHAPTER XIII.

THE British Parliament which enacted the Boston Port Bill was near its legal close, and was dissolved without another session. For the new Parliament, a House of Commons was chosen in which the Ministry commanded a majority still stronger than that by which it had passed the laws so offensive to America. The King made those laws the first topic in his speech at the opening of the Parliament.<sup>1</sup> “It gives me,” he said, “much concern that I am obliged to inform you that a most daring spirit of resistance and disobedience to the law still unhappily prevails in the Province of the Massachusetts Bay, and has in divers parts of it broke forth in fresh violences of a very criminal nature. These proceedings have been countenanced and encouraged in other of my Colonies, and unwarrantable attempts have been made to obstruct the Commerce of this Kingdom by unlawful combinations.” And he added: “You may depend on my firm and steadfast resolution to withstand every attempt to weaken or impair the supreme authority of this legislature over all the dominions of my crown, . . . . assuring myself that, while I act upon these principles, I shall never fail to receive your assistance and support.” The answer which had been prepared for the House of Lords

1774.  
Nov.

<sup>1</sup> By November 29, when Parliament came together, there must have been information in England of all that was most important in the action of the Continental Congress and the Provincial Congress of Massachusetts, though not probably of the termination of the sessions of those bodies.

to the royal speech, declared their "abhorrence and detestation of the daring spirit of resistance and disobedience to the laws which so strongly prevailed in the Province of the Massachusetts Bay," and had been countenanced in other Provinces of America, and pledged their cheerful co-operation in all such measures as should be necessary to maintain the dignity, safety, and welfare of the British empire. The Duke of Richmond moved an amendment, asking that, as preparatory to further action, the Lords might have an early communication of the accounts which had been received concerning the state of the Colonies. But in favor of this amendment there were only 13 votes out of 76; and in a Protest against the precipitate action of their House, the Duke was joined by only eight other Peers. The proceedings in the House of Commons had a similar course and a similar result. Edmund Burke referred to Lord North's assurance to the last Parliament, that "by punishing Boston all America would be struck with a panic." "The very contrary," said Burke, "is the case. The cause of Boston is become the cause of all America. . . . By these acts of oppression you have made Boston the Lord Mayor of America."

As usual, Parliament took a recess for the Christmas  
1775. holidays. When the session was renewed, the  
Jan. Ministers produced the voluminous "papers relating to the Disturbances in North America." The first of these was a copy of Lord Dartmouth's instruction to Governor Gage when he was sent to supersede Hutchinson in Massachusetts; the latest from New England was from Governor Gage, written in the week after the Provincial Congress of Massachusetts had dissolved itself.

Lord Chatham came from his long retirement to his place in the House of Lords to urge a recurrence to conciliatory measures, and remonstrate, with all the power of

his great mind, against the injustice and rashness of the ministerial policy. On the first day of the papers being in possession of the Peers, he submitted a motion "that an humble Address be presented to his Majesty, most humbly to advise and beseech his Majesty that, in order to open the ways towards an happy settlement of the dangerous troubles in America by beginning to allay ferments and soften animosities there; and above all, for preventing in the meantime any sudden and fatal catastrophe at Boston, now suffering under the daily irritation of an Army before their eyes posted in their Town; it may graciously please his Majesty that immediate orders may be despatched to General Gage for removing his Majesty's Forces from the Town of Boston as soon as the rigor of the season, and other circumstances indispensable to the safety and accommodation of the said Troops, may render the same practicable." In the debate to which this motion led, Lord Chatham condemned the delay of Ministers in producing the papers, as part of their system for deluding the people of England in respect to the state of things in America. He extolled in the warmest terms the grandeur of mind, the ability and the good temper of the Continental Congress. He denounced the course which had been taken by Parliament as "a proscription of a people unheard." He urged the absolute necessity of an immediate retracing of the ruinous steps. "Eight weeks' delay admits no further hesitation; no, not of a moment. The thing may be over. A drop of blood renders it *immedicabile vulnus*. . . . The nation of America, who have the virtues of the people they sprung from, will not be slaves." He foretold that the pernicious bills must and would be repealed. "I stake my reputation on it; I submit to be called an idiot if they are not repealed; three millions of men ready to arm, and talk of forcing them!" The fervid eloquence of Pitt availed nothing. The Lords rejected his motion by 68 votes against 18.

Only one Bishop was found to favor a forbearing treatment of America.<sup>1</sup>

The Continental Congress had hoped with some confidence that their arrangements for a commercial non-intercourse with Great Britain would bring the Ministry to pause. The reasonableness of this hope was now to be tried. Alderman Hayley presented to the House of Commons a petition, in which the merchants of London concerned in the American trade set forth the losses which they had sustained and which they apprehended from the embarrassments to their business consequent upon the recent Acts of Parliament and their reception in America, and asked for "such healing remedies as could alone restore and establish the commerce between Great Britain and her Colonies on a permanent foundation." After a debate, in which Burke and Fox took part on one side, and Lord North on the other, Hayley's motion to refer the petition to the Committee which had under consideration the papers lately produced by Lord North, was lost by a majority of 192 votes against 65. The same was the fate of petitions of like purport from the merchants of Bristol, Glasgow, Norwich, and other towns. Hayley attempted to bring up his question again by a second petition from the City of London, but was now defeated, in a fuller House, by a majority still larger than the first. A similar disposition of the petitions by the House of Lords occasioned a Protest of eighteen Peers.

1775.  
Feb. The Earl of Chatham presented to the House of Lords a Bill entitled "A Provisional Act for settling the Troubles in America, and for asserting the Supreme Legislative Authority and Superintending Power of Great Britain over the Colonies." After referring to the Declaratory Act of Lord Rockingham's administration,

<sup>1</sup> Josiah Quincy, Jr., was present at this day's debate in the House of Lords. (Quincy, *Memoir of Josiah Quincy, Jr.*, 264-277.) He had come from America in September, sailing from Salem.

and to the obstinate dissent from it in America, resulting in "the disturbance of peace and good order there," it went on, without raising anew the question of an abstract right in Parliament to tax the Colonies, to declare and enact that henceforward there should be no such parliamentary action. "No tallage, tax, or other charge for his Majesty's revenue shall be commanded or levied from British freemen in America without common consent by act of provincial assembly there, duly convened for that purpose."<sup>1</sup> This fundamental principle, or rather this satisfactory rule, for future action premised, it went on to provide that the Continental Congress might lawfully assemble in the following spring, and should be required to provide for "a certain perpetual revenue" from the Colonies, "subject to the disposition of the British Parliament, to be by them appropriated as they in their wisdom shall judge fit, to the alleviation of the national debt." It proposed to "restrain within their ancient limits" the powers of Admiralty and Vice-Admiralty courts in America, and to restore the trial by jury in all civil cases, and the right of the American subject under a criminal charge to "a trial by his peers of the vicinage." Finally, it enacted the immediate suspension, and the repeal as soon as the contemplated action of the Colonies should have been consummated, of numerous Acts "represented to have been found grievous," and especially the Boston Port Bill of the late Parliament, and the Acts for altering the government of Massachusetts Bay, for "the better administration of justice" therein, and for the remodelling of the government of Quebec. "It is hereby," was the concluding language of this pregnant document, — "it is hereby further declared, by the authority aforesaid, that the Colonies in America are justly entitled to the privileges, franchises, and immunities granted by their several Charters or Constitu-

<sup>1</sup> See above, Vol. IV. p. 139.

tions, and that the said Charters or Constitutions ought not to be invaded or resumed unless for misuser, or some legal ground of forfeiture. So shall true reconciliation avert impending calamities, and this most solemn national accord between Great Britain and her Colonies stand an everlasting monument of clemency and magnanimity in the benignant father of his people, of wisdom and moderation in this great Nation famed for humanity as for valor, and of fidelity and grateful affection from brave and loyal Colonies to their parent kingdom, which will ever protect and cherish them."

The Earl of Dartmouth professed his willingness to have the Bill lie on the table for future consideration. But the majority of the Lords were in no mood for showing it even this scanty respect. Lord Sandwich, a minister, immediately moved to reject it; and after a debate of some hours, in which Pitt had no efficient help, except from his friend Lord Camden, the motion for rejection prevailed by a vote of 61 to 32. "The whole of your political conduct," said Pitt to the Ministers in this debate, "has been one continued series of weakness, temerity, despotism, ignorance, futility, negligence, blundering, and the most notorious servility, incapacity, and corruption."

The House of Commons, in Committee of the Whole, entered upon a consideration of the papers which, by the King's order, had been laid before it, "relative to the Disturbances in North America." Lord North moved an Address to the King, beseeching him to "take the most effectual measures to enforce due obedience to the laws and authority of the supreme legislature," and assuring him, on the part of the House, that it was their "fixed resolution, at the hazard of their lives and properties, to stand by his Majesty against all rebellious attempts, in the maintenance of the just rights of his Majesty and the two Houses of Parliament;" and in the speech with

which he prefaced his motion, he suggested some means through which he proposed to execute his threat. "A rebellion," the Address declared, "at this time actually exists within the Province of the Massachusetts Bay, and we see with the utmost concern that they have been countenanced and encouraged by unlawful combinations and engagements entered into by his Majesty's subjects in several of the other Colonies." The debate which followed, and which, renewed four days later, lasted till half-past two in the morning, called out, among other eminent men, Thurlow and Wedderburn to the support of Lord North, and Dunning, Fox, and Burke on the opposite side. The Address, adopted in the House by the very large majority of 288 votes against 105, went up to the Lords for their concurrence. Here again it encountered a determined resistance; but against the opposition of the Marquis of Rockingham, Lord Camden, Lord Shelburne, the Duke of Richmond, and other leading statesmen, it prevailed by 104 votes out of 133. Eighteen Peers recorded their protest. Lord Chatham was not present.

Following out the policy for which he had thus obtained the sanction of both Houses of Parliament, Lord North, in rapid succession, introduced Bills "for restraining the Trade and Commerce of the New England Colonies," and for "the Augmentation of the Navy," and "the Augmentation of the Land Forces." Of the last two, carried against the customary opposition by the customary majorities, the former allowed an addition of two thousand recruits for the sea service "for a guard," which, Lord North said, it would be necessary to keep "upon the coasts of North America;" the latter would, as Lord Barrington explained, "enable his Majesty to augment his land forces with four thousand three hundred and eighty-three men, officers and non-commissioned officers included." His Lordship introduced his motion



with explaining the several military arrangements, with stating the force to be kept at Boston, which he said would be about ten thousand men, and with giving general assurances that no more troops would be wanted to enforce the execution of the laws. The first, the Restraining Bill, forbade all resort of fishing vessels of New England to the Banks of Newfoundland, and all trade of New England, except to ports of England, Scotland, Ireland, and the British West India Islands. In this latter provision it was a sort of extension of the Boston Port Bill to all the commercial marts of four Colonies. In defence of it, Lord North said of those Colonies that it was not now Massachusetts alone that was in rebellion; that New Hampshire, Rhode Island, and Connecticut had deserved their share of the punishment which he was proposing to inflict.

As connected with these measures, and a complement to them in the respect of being a declaration of the terms which Great Britain would consent to make with her disaffected American Colonies, Lord North presented to the House of Commons a Resolve,<sup>1</sup> embodying what were called his "Propositions for conciliating the Differences with America." His scheme was to make a provisional arrangement with any of the Colonies which should separately come forward to propose it. The arrangement contemplated in his Resolve was, that whenever any Colony should "propose to make provision . . . . for contributing its proportion to the common defence, . . . . it would be proper, if such proposal should be approved by his Majesty and the two Houses of Parliament, and for so long as such provision should be made accordingly, to forbear, in respect of such Province or Colony, to levy

<sup>1</sup> Feb. 20, 1775, Lord North presented to the House an extract from a Letter from Governor Gage, dated Boston, Jan. 18, and received that day, and in introducing his Resolve

he said, "There are people, and I hope whole Colonies, that wish for peace." He seems to have thought that he discovered in the letter some indications of a disposition to yield.

any duty, tax, or assessment, . . . except only such duties as it might be expedient to continue to levy or to impose for the regulation of commerce." Though carried, the Resolve failed to be sustained by Lord North's followers with their accustomed unanimity, by reason of an apprehension on their part that it looked too much like a concession to American pretensions. On the other hand, in the course of the discussion of it, Burke declared that "he found the proposition altogether insidious in its nature." Dunning denounced it "as being futile and treacherous;" and Colonel Barré said: "It is founded on that wretched, low, shameful, abominable maxim, which has predominated in every measure of our late Minister, — *Divide et impera*. This is to divide the Americans; this is to break those Associations, to dissolve that generous union in which the Americans, as one man, stand in defence of their rights and liberties. If you are so weak as to imagine, from anything which that sincerely associated band of Ministers can find in their own hearts, you can believe that the Americans are so foolish or so base to each other, you will be deceived. They are not such gudgeons as to be caught by such a foolish bait. But the noble Lord does not expect it will be accepted; it is meant only to propose something specious which he knows the Americans will refuse, and therefore offers to call down tenfold more vengeance on their devoted heads, rendered thus ten times more odious by refusing such fair, such reasonable, such just, such wise, and such humane offers; but neither will this snare succeed."<sup>1</sup> Mr. Burke and Mr. Hartley came forward with their respective plans for conciliation with America; both, it needs not be said, much unlike that of Lord North. But they obtained only a brief hearing, and were summarily

<sup>1</sup> Barré's speech is correctly copied here from the Parliamentary History, and the reader must probably thank the reporter for its singular language.

set aside. The policy of the home government was determined.

It was not without reason that in the discussion of his Bill "for restraining the Trade and Commerce of the New England Colonies," Lord North had pronounced the rest of those Colonies to be confederated with Massachusetts in resentment of British usurpation. He had recently been informed of serious commotions in all of them. Among the papers which had been lately communicated to Parliament was a letter from Governor Wentworth, of

1774. New Hampshire, to Governor Gage, giving an  
Dec. account of an attack by four hundred men upon

the King's fort in the harbor of Portsmouth,<sup>1</sup> which was kept by only six men, and the carrying off by them of a hundred barrels of powder and some cannon and muskets. The Governor issued his proclamation for the apprehension of the offenders, but it had no effect. Another Pro-

1775. vincial Convention was held for the choice of  
Jan. delegates to the Continental Congress appointed

to meet in the spring.<sup>2</sup> In Rhode Island and Connecticut, whatever hesitation had hitherto been due to unwillingness to furnish the home government with an excuse for invasion of the charters, had been abated by the evidence given in the case of Massachusetts that, in the eyes of Ministers, the sacredness of charters would be no obstruction to the most ruinous encroachments. Both had been

1774. making active military preparation.<sup>3</sup> By an or-  
Dec. der of the Assembly of the former Province, more

than forty cannon, with a quantity of ammunition, were removed from Fort George, in Newport harbor, to the

<sup>1</sup> Hansard, XVIII. 145-147; comp. N. H. Prov. Papers, VII. 420-424. "Upon the best information I can obtain," wrote Wentworth, "this mischief originates from the publishing the Secretary of State's letter and the King's Order in Council at Rhode Island, prohibiting the expor-

tation of military stores from Great Britain."

<sup>2</sup> N. H. Prov. Papers, VII. 442, 443.

<sup>3</sup> R. I. Rec., VII. 263, 264, 266, 268-271; Hollister, Hist. of Conn., II. 152, 153, 158; Letters in Force, 1134, 1139.

town of Providence ;<sup>1</sup> and the Governor told the British naval officer who inquired what the movement meant, that it was "to prevent their falling into the hands of the King or any of his servants, and that they meant to make use of them to defend themselves against any power that should offer to molest them."

Encouraged by the evidences of sympathy in the sister Colonies of New England and in more distant parts of the continent, and confirmed as to the necessity of vigorous proceedings by the intelligence which had last been brought from England, the Second Provincial Congress of Massachusetts came together at the time and place appointed.<sup>2</sup> Two hundred and thirty Deputies appeared. John Hancock was unanimously chosen to be President. A Committee, consisting of nineteen members, was raised "to take into consideration the state and circumstances of the Province." The delegates who had served in the last Continental Congress were deputed on the part of the Province to the Congress which was to be held in the spring. Resolves were adopted condemning supplies to the British troops of materials of war and sales of straw, which might "be wanted by the inhabitants of the Province, in case they should be driven to the hard necessity of taking up arms in their own defence." The powers of the Committee of Safety and of the General Officers were extended so as the better to enable them to resist by force any attempts which might be made to carry into execution the Acts of Parliament "for regu-

1775.  
Feb.

<sup>1</sup> R. I. Rec., VII. 262; comp. 303.

<sup>2</sup> "The state of this Province is a great curiosity. I wish the pen of some able historian may transmit it to posterity. Four hundred thousand people are in a state of nature, and yet as still and peaceable at present as ever they were when government was in full vigor. We have neither legislators nor magistrates, nor ex-

ecutive officers. . . . The town of Boston is a spectacle worthy of the attention of a Deity, suffering amazing distress, yet determined to endure as much as human nature can, rather than betray America and posterity." (Letter from Boston of Jan. 21, 1775, in Almon's "Remembrancer," T. 11.)

lating the government of the Massachusetts Bay," and "for the impartial administration of justice" in that Province. An Address was issued to the inhabitants of the Province, expounding the principles of the recent public action, commending the fortitude and constancy which had been hitherto displayed, and exhorting to persistence in the same virtuous course. Arrangements were made for the custody of arms and other military stores, and for their distribution whenever "the constitutional army should take the field." A Resolve was passed to take a census of the minute-men and of the rest of the militia, with an inventory of their equipments, to be laid before the next Congress. A sixth general officer, John Whitcomb, was appointed. A Committee was instructed "to draw up directions, in an easy and familiar style, for the manufacture of saltpetre." A Resolve was passed "for the encouragement of American manufacturers of fire-arms and bayonets;" and another was published in the newspapers, recommending to the inhabitants "immediately to prepare against every attempt that might be made to attack them by surprise," inasmuch as from "the tenor of intelligence from Great Britain and general appearances, there was reason to apprehend that the sudden destruction of this Colony, in particular, was intended." At the instance of a Committee which came from Connecticut, the Congress appointed a special Committee to correspond during its approaching recess with the other Colonies of New England. A day of fasting and prayer was appointed "to implore the Divine guidance and protection in the present calamity;" and this done, a recess was taken for five weeks. During this session of a fortnight the Congress was probably watching the state of sentiment in England as it was disclosed by the successive communications from that country, and anxiously awaiting that decisive action of Parliament which could not be much longer deferred.

When the time for its next meeting arrived, the place for which, agreeably to its recent vote, was Concord, the Congress must have been in possession of information from England as late, at least, as the time of the introduction of Lord North's Bills for the augmentation of the British Army and Navy, and for the restraining of New England commerce. They knew that the intervention of their friends in the British Parliament had been of no effect; that Lord Chatham's plan of conciliation had been rejected; that the petitions of English merchants for justice or clemency to them had been refused a hearing. Whatever hopes they had entertained of a favorable issue to the applications of the Continental Congress for redress, were now known to be baseless. The Court and the Parliament had turned a deaf ear to them. No hope remained to the Colonies except in their own capacity to maintain their rights against the angry power of the great British Empire. That power was not to be provoked to an untimely execution of its purposes of further encroachment; but it was to be watched with careful preparation, and, when the time should come, to be resolutely withstood. And that the time of a collision could not be distant, there was evidence on both sides to show, — evidence which accumulated rapidly as the days went on. Massachusetts was scarcely more impatient than the other Colonies of New England of the existing suspense.<sup>1</sup>

<sup>1</sup> The turbulence of the New Hampshire Grants was becoming constantly more ungovernable, though at first this had no direct connection with the dispute between the Colonies and the mother country. Jan. 30, 1775, one Benjamin Hough, who had rendered himself especially odious by signing the petition to the Assembly of New York for the offer of a reward for the apprehension of Allen and his associates, was severely

scourged by the decree of a self-constituted court at Sunderland. The people of the Grants sympathized with the majority of the people in the rest of New Hampshire in respect to the recent measures of the British Government, and the lukewarmness and vacillation of New York intensified their hatred of the government of that Province. A part of their territory had been assigned to the county of Cumberland, constituted

On the other hand, it was not to be supposed that Governor Gage would long remain inactive when, under his very eyes, Massachusetts was making martial arrangements on a large scale.<sup>1</sup> With such insufficient means as were at his disposal, he had already, in little aggressive expeditions into the neighborhood, shown his sense of the necessity of preventing the Province from strengthening itself with the sinews of war. In the recent recess of the Congress he had made an attempt which showed that he was not proposing to be confined hereafter to the furtive steps by which hitherto he had been possessing himself of the Province's arms and supplies. By daylight, though on a Sunday, when the people might be supposed to be

(March, 1770) by the Governor and Council of New York, and a term of the court for that county was appointed to be held in the town of Westminster accordingly. March 14, 1775, occurred what has been called the *Westminster Massacre*. The Court was interrupted, and a fight took place between the sheriff's party and a mob, in which the sheriff's company were victorious, and ten persons on the other side were wounded, two of them mortally, and seven were taken prisoners. This raised the country, and the prisoners were liberated and the judges and several of their defenders committed to jail. Some of them were presently released on giving security for their appearance to take their trial. Others were confined for a while at Northampton, and were then taken to New York for trial, but were never arraigned. In the following month (April 11), a convention of delegates from the towns of the Grants voted to address a petition to the King, praying that they might "be taken out of so oppressive a jurisdiction [as that of New York] and either annexed to some other government or created into a new one." Philip Skene,

Governor of Ticonderoga and Crown Point, had previously made interest in England for the establishment of a jurisdiction which was to include the New Hampshire Grants, with himself for Governor. (Hiland Hall, *History of Vermont*, 187-196; comp. 155, 157.)

<sup>1</sup> Jan. 18, 1775, in the interval between the first two Provincial Congresses, Governor Gage had written to Lord Dartmouth: "It is the opinion of most people that if a respectable force is seen in the field, the most obnoxious of the leaders seized, and a pardon proclaimed for all others, government will come off victorious." (Sparks's *Writings of Washington*, III. 507.) While this letter was on its way, Lord Dartmouth wrote to the Governor (Jan. 27): "It is the opinion of the King's servants, in which his Majesty concurs, that the first substantial step to be taken towards re-establishing government would be to arrest and imprison the principal actors and abettors in the Provincial Congress . . . if, regardless of your proclamation and in defiance of it, they should presume again to assemble for such rebellious purposes." (Ibid.)



engaged in their devotions, he sent by water from the Castle a hundred and fifty men to destroy some military stores which, as he heard, were collected at Salem. The party was confronted by thirty or forty men, under Colonel Pickering, who had raised the draw of a bridge in that town; and the British officer, after a parley, withdrew without doing his errand.

The Congress sent to the newspapers for publication a Resolve "that the measures which have heretofore been recommended by this and the former Provincial Congress, for the purpose of putting this Colony into a complete state of defence, be still most vigorously pursued by the several towns, as well as individual inhabitants, and that any relaxation would be attended with the utmost danger to the liberties of this Colony and of all America; especially as, by the latest advices from Great Britain, we have undoubted reasons for jealousy, that our implacable enemies are unremitting in their endeavors, by fraud and artifice as well as by open force, to subjugate this people." They ordered a publication in the Boston newspapers of the names of fifteen *Mandamus* Counsellors, who had failed to publish a renunciation of their commissions. They sent a letter and presents to some Stockbridge Indians who had enrolled themselves as minute-men, and wrote to the Reverend Mr. Kirkland to engage his influence with the Mohawks, with whom he had friendly relations. They resolved that if the Governor should issue writs as usual, for a General Court in the coming May, "in the form the law directs . . . they ought to be obeyed;" otherwise, that a Provincial Congress ought to be convened at that time. They directed their Committee on the State of the Province "to collect all the late intelligence from Great Britain relative to their sending a reinforcement to General Gage, and on other matters which relate to this and the other

1775.

April.

Colonies, and report to the Congress what is best to be done.”<sup>1</sup> They enacted, in fifty-three Articles, a full code of Martial Law.<sup>2</sup> They selected delegates forthwith to repair to Connecticut, Rhode Island, and New Hampshire, to give information of their proceedings for raising and establishing an army, and to request them to co-operate, by furnishing their respective quotas for general defence. They appointed a Committee in each county to collect information as to the conduct of the towns and districts with respect to their having executed the continental and provincial plans. They made further arrangements for field officers for their projected army. They appointed a day for fasting and prayer, and then adjourned to meet again at the same place in the second week of the next month, unless sooner called together by the representatives of certain designated towns.

From this circumstantial account of the proceedings of the Provincial Congress of Massachusetts, it is manifest that the rising of the people on the fourth day after its dispersion was no hasty movement, prompted by a sudden access of patriotic rage. What took place was what had been apprehended and provided for. The Governor made war upon the Province, and the Province confronted him with war. It was known to the Governor that at the

<sup>1</sup> Between March 13 and April 7 “intelligence of the most extraordinary nature from Great Britain came to hand.” (Journals of each Provincial Congress, 134.) It probably included tidings — if indeed they had not come earlier — of the debates in the House of Commons on Lord North’s “Propositions for Conciliation” (Feb. 20) and on his “Bill for restraining the Trade and Commerce of the New England Colonies” (Feb. 24).

<sup>2</sup> Rigid in most respects, this code

avoided imposing in terms the penalty of death (limiting it to desertion “in time of an engagement”), though it freely committed offenders to the unlimited discretion of a Court Martial. The first Article ordered that “all officers and soldiers not having just impediment shall diligently frequent divine service and sermon in the places appointed for the assembling of the regiment, troop, or company to which they belong.”

place of their recent session the Provincial Congress had made a considerable deposit of arms and ammunition. It was almost as well known to the patriots,—at least, it was confidently believed by them,—that the Governor had designs upon it, and they took their precautions accordingly. The Governor sent a detachment of eight hundred men to destroy or bring away the stores. An hour before midnight the troops stealthily left the town in boats. But they were watched, and, by signals before agreed upon, the movement was made known to the people on the other side. The next morning “was fired the shot heard round the world.” Landing in Cam-<sup>1775.</sup>bridge, the troops pushed on to Lexington, which <sup>April 19.</sup> they reached at daybreak. There they found a company of some seventy minute-men drawn up under arms. The British major in command called on them to disperse, and ordered his men to fire. Eight Americans were killed and several were wounded, and the party proceeded towards its destination. Reaching Concord, and occupying the bridge over the river of that name, at the further end of the town, they destroyed a part of the stores of which they had come in quest, while the militia collected on the other side and tried to remove the planks. The troops fired, killing Captain Davis, of Acton, and a private of his company. The fire was returned, and the soldiers retreated. As they retraced their steps they were assailed from the rear, and from behind stone-walls on both sides of their way. At Lexington, where they were received into a hollow square by Lord Percy, who had been sent out from Boston to reinforce them with nine hundred men, they gained a little rest under the protection of two pieces of cannon. But the day was waning, and it was necessary to resume the march. The alarm was now spread widely, and they were shot at all along their retreat by companies of marksmen who came up by the side roads. In a desperate condition of exhaustion and de-

moralization they reached cover at Charlestown after sunset. The eight years' war of American Independence was begun.

On the second day after their expedition to Concord, the British troops were withdrawn into Boston, where, before the end of the week, they and their comrades were surrounded by a force of some twenty thousand provincials, in a semi-circle extending from Dorchester to Charlestown. Massachusetts poured in its militia from north, south, and west. Joseph Spencer led three thousand minute-men from Connecticut, and John Stark twelve hundred from New Hampshire. The Quaker, Nathaniel Greene, came with three excellently well-equipped regiments from Rhode Island. General Gage, with a command now raised by reinforcements<sup>1</sup> to the number of ten thousand disciplined and well-appointed soldiers, hoped that he might break the blockade and penetrate into the country. It was believed that he was about to make the attempt by crossing over the narrow channel which divides Boston from Charlestown; and to obstruct that design the Americans sent a party by night to build a work on high land of the latter town, since known as

<sup>1775.</sup>  
<sup>June 17.</sup> Bunker Hill. The next day a British force four thousand strong drove them from the position, with a loss to themselves of from a thousand to fifteen hundred men, killed and wounded, while the loss of the untrained provincials was reckoned at four hundred and fifty out of the whole force engaged, the number of which it seems to be impossible to state with precision, though it probably did not exceed twenty-five hundred, and perhaps did not exceed fifteen hundred. The Continental Congress which had met at Philadelphia in the preceding month appointed a General-in-Chief

<sup>1</sup> "At the close of May and beginning of June, the expected reinforcements from England had arrived." (Mahon, VI. 53.)

of "the armies raised and to be raised for the  
defence of American liberty." And on the six-  
teenth day after the fight at Bunker Hill, the roll  
of the New England drums on Cambridge Common an-  
nounced the presence there of the Virginian, GEORGE  
WASHINGTON.

July 3.



## APPENDIX.

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### MAGISTRATES OF THE NEW ENGLAND COLONIES FROM 1741 TO 1775.

#### MASSACHUSETTS.

##### *Governors.*

1741.	Jonathan Belcher.	1700-1769.	Francis Bernard.
1741-1756.	William Shirley.	1771-1774.	Thomas Hutchinson.
1757-1760.	Thomas Pownall.	1774, 1775.	Thomas Gage.

##### *Lieutenant-Governors.*

1733-1757.	Spencer Phips.	1771-1774.	Andrew Oliver.
1758-1771.	Thomas Hutchinson.	1774, 1775.	Thomas Oliver.

##### *Counsellors under the Provincial Charter.*

1727-1759.	William Pepperell, Jr.	1742-1763.	Samuel Watts.
1742, 1743.	William Dudley.	1742-1760.	George Leonard.
1742, 1743, 1746.	Ebenezer Burrill.	1742-1769.	John Hill.
1732-1757.	Francis Foxcroft.	1742.	James Allen.
1733-1741.	Samuel Came.	1742-1746.	Joseph Dwight.
1733-1744.	John Jeffries.	1742, 1747-1753.	John Quincy.
1731-1755.	Josiah W. Ilard.	1743-1745.	Richard Saltonstall.
1734-1760.	Jacob Wendell.	1743.	John Chandler.
1747, 1748.	Samuel Welles.	1743-1762.	Ezekiel Cheever.
1735-1742.	Anthony Stoddard.	1743-1761.	Sy vanus Bourne.
1735-1751.	Jeremiah Moulton.	1748.	Isaac Little.
1742-1752.	Joseph Wilder.	1744-1746.	Eliakim Hutchinson.
1736-1763.	John Cushing.	1744-1746.	James Bowdoin.
1743-1765.	Benjamin Lynde, Jr.	1745-1754.	John Wheelwright.
1742-1745.	Nathaniel Hubbard.	1746-1758.	James Minot.
1737-1741.	Richard Bill.	1746-1765.	Andrew Oliver.
1739-1774.	Samuel Danforth.	1746.	Perez Bradford.
1740-1743.	Shubal Gorham.	1747-1760.	Joseph Pynchon.
1741-1751.	William Foye.	1747-1756.	John Otis.
1741, 1742.	John Reed.	1749-1765.	Thomas Hutchinson.
1741-1756.	John Greenleaf.	1752-1760.	Stephen Sewall.
1742-1745.	Samuel Waldo.	1752-1754.	Jabez Fox.



1752-1773.	Isaac Royall.	1765-1767.	Andrew Belcher.
1753-1757.	Eleazer Porter.	1765-1767.	John Chandler.
1753-1769.	Benjamin Lincoln.	1766-1768.	Samuel White.
1754-1774.	John Erving.	1766-1774.	Jeremiah Powell.
1755-1762.	Richard Cutt.	1767, 1768.	John Worthington.
1755-1768.	William Brattle.	1768-1773.	Samuel Dexter.
1756-1758.	Benjamin Pickman.	1769-1774.	William Sever.
1757-1773.	James Bowdoin, Jr.	1766-1774.	James Pitts.
1757, 1758.	Robert Hooper.	1770-1774.	Benjamin Greenleaf.
1757-1769.	Gamaliel Bradford.	1770-1772.	Thomas Saunders, Jr.
1758-1764.	Thomas Hancock.	1770.	Joseph Gerrish.
1759-1772.	Thomas Hubbard.	1770, 1771.	Joshua Heushaw.
1759, 1760.	Chambers Russell.	1770-1774.	Artemas Ward.
1759-1765.	Peter Oliver.	1770-1772.	Stephen Hall.
1760-1766.	Israel Williams.	1770-1774.	Walter Spooner.
1760-1765. }	Nathaniel Sparhawk.	1770-1773.	James Gowen.
1767-1772. }		1770-1774.	George Leonard, Jr.
1761-1772.	Harrison Gray.	1770-1773.	James Humphrey.
1761-1765.	John Choate.	1771-1774.	Caleb Cushing.
1761-1773.	James Russell.	1771-1773.	Timothy Woodbridge.
1761-1768.	Thomas Flucker.	1772, 1773.	John Hancock.
1762-1768.	Nathaniel Ropes.	1772-1774,	Samuel Phillips.
1762-1765, 1770-1774.	James Otis.	1773.	Humphrey Hobson.
1763-1768.	Timothy Paine.	1773.	John Winthrop.
1763-1772.	John Bradbury.	1773.	John Whitcomb.
1764.	Timothy Ruggles.	1773, 1774.	Jedediah Preble.
1764-1770.	Royall Tyler.	1774.	Richard Derby, Jr.
1764, 1765.	Edmund Trowbridge.	1774.	Benjamin Chadbourn.

*Mandamus Counsellors (1774).*

(Only the first ten took the official oath.)

Thomas Flucker.	Thomas Hutchinson, Jr.	Josiah Edson.
Foster Hutchinson.	Samuel Danforth.	Richard Lechmere.
Harrison Gray.	John Erving, Jr. (Capt.).	John Worthington.
Joseph Lee.	James Russell.	Timothy Paine.
Isaac Winslow.	Timothy Ruggles.	Jeremiah Powell.
William Browne.	Israel Williams.	Jonathan Simpson.
James Boutineau.	George Watson.	John Murray.
Joshua Loring.	Nathaniel Ray Thomas.	Daniel Leonard.
William Pepperell.	Timothy Woodbridge.	Thomas Palmer.
John Erving, Jr. (Col.).	William Vassall.	Isaac Royall.
Thomas Oliver.	Joseph Greene.	Robert Hooper.
Peter Oliver.	Andrew Oliver.	Abijah Willard.

## CONNECTICUT.

*Governors.*

1741.	Joseph Talcott.	1754-1766.	Thomas Fitch.
1741-1750.	Jonathan Law.	1766-1769.	William Pitkin.
1750-1754.	Roger Wolcott.	1769-1775.	Jonathan Trumbull.

*Lieutenant-Governors.*

1741.	Jonathan Law.	1754-1766.	William Pitkin.
1741-1750.	Roger Wolcott.	1766-1769.	Jonathan Trumbull.
1750-1754.	Thomas Fitch.	1769-1775.	Matthew Griswold.

*Assistants.*

1741.	Roger Wolcott.	1754-1760.	Roger Wolcott.
1718-1752.	James Wadsworth.	1754-1758.	Jonathan Huntington.
1725-1749.	Nathaniel Staul.	1755-1765.	Daniel Edwards.
1725-1746.	Joseph Whiting.	1758-1760.	} Jabez Hamlin.
1727-1747.	Ozias Pitkin.	1773-1775.	
1728-1748.	Timothy Pierce.	1759-1769.	Matthew Griswold.
1730-1754.	Samuel Lynde.	1760-1775.	Shubael Conant.
1734-1766.	William Pitkin.	1761-1775.	Elisha Sheldon.
1740-1750.	Thomas Fitch.	1762-1775.	Eliphalet Dyer.
1739-1766.	Ebenezer Silliman.	1764-1775.	Jabez Huntington.
1740-1751.	Jonathan Trumbull.	1766-1775.	William Pitkin, Jr.
1740-1743.	} Hezekiah Huntington.	1766-1775.	Roger Sherman.
1748-1773.		1766-1772.	Robert Walker.
1743-1753.	John Bulkley.	1766-1775.	Abraham Davenport.
1746-1764.	Andrew Burr.	1766-1775.	Wm. Samuel Johnson.
1747-1766.	John Chester.	1766-1775.	Joseph Spencer.
1749-1754.	Gurdon Saltonstall.	1770, 1771.	Zebulon West.
1751-1761.	Thomas Welles.	1771-1775.	Oliver Wolcott.
1751-1766.	Benjamin Hall.	1773-1775.	James A. Hillhouse.
1752-1759.	Phineas Lyman.	1775.	Samuel Huntington.
1754-1766.	Jonathan Trumbull.		

## RHODE ISLAND.

*Governors.*

1741, 1742.	Richard Ward.	1758-1761.	Stephen Hopkins.
1743, 1744.	William Greene.	1762.	Samuel Ward.
1745.	Gideon Wanton.	1763, 1764.	Stephen Hopkins.
1746.	William Greene.	1765, 1766.	Samuel Ward.
1747.	Gideon Wanton.	1767.	Stephen Hopkins.
1748-1754.	William Greene.	1768.	Josias Lyndon.
1755, 1756.	Stephen Hopkins.	1769-1775.	Joseph Wanton.
1757, 1758.	William Greene.		

*Deputy-Governors.*

1741, 1742.	William Greene.	1754.	John Gardner.
1743, 1744.	Joseph Whipple.	1755.	Jonathan Nichols, Jr.
1745.	William Robinson.	1756-1763.	Jonathan Gardner.
1746.	Joseph Whipple.	1764.	Joseph Wanton, Jr.
1747.	William Robinson.	1765, 1766.	Elisha Brown.
1748, 1749.	William Ellery.	1767.	Joseph Wanton, Jr.
1750.	Robert Hazard.	1768.	Nicholas Cooke.
1751, 1752.	Joseph Whipple.	1769-1774.	Darius Sessions.
1753.	Jonathan Nichols, Jr.	1775.	Nicholas Cooke.

*Assistants.*

1750-1753.	Jonathan Nichols.	1747.	Ephraim Gardner.
1715-1741.	John Wickes.	1747-1756.	} William Richmond.
1723-1744.	Rouse Helme.	1758-1760.	
1741.	Benjamin Ellery.	1748.	John Gardner.
1750.	John Potter.	1749.	Simon Pease.
1733-1743.	Philip Arnold.	1749.	Edward Kinnicutt.
1734-1743.	Ezekiel Warner.	1750-1754, 1757.	} Jabez Bowen.
1741-1743.	} Peter Bours.	1750-1761, 1765.	
1748, 1749.		1751-1755.	John Tillinghast.
1742-1746.	} James Arnold.	1751-1756.	} Nicholas Cooke.
1748-1752.		1750-1761.	
1775.		1767.	
1730-1745.	} Gideon Cornell.	1753-1757.	Jeremiah Lippitt.
1764.		1751-1762.	} Nicholas Easton.
1740-1744.	Richard Fenner.	1765, 1766.	
1740-1743.	John Dexter	1770, 1771.	
1741.	Christopher Phillips.	1755, 1756.	Obadiah Brown.
1742-1744.	William Ellery	1755, 1756, 1758.	Joseph Brownell, Jr.
1742-1745.	Daniel Howland.	1755, 1756.	} John Congdon.
1742-1744.	} Daniel Coggeshall.	1768-1774.	
1746.		1755-1757.	Thomas Hazard.
1748-1754.		1756-1763.	James Honeyman.
1757, 1758.		1757.	Henry Harris.
1762, 1767.		1757.	David Anthony.
1744, 1745, 1747.	Benjamin Hassard.	1757, 1762.	} Nathaniel Searle.
1744, 1748, 1749.	William Burton.	1763, 1766.	
1744, 1745.	William Rice.	1758.	Elisha Brown.
1744, 1747.	William Rhodes.	1758.	Gideon Comstock.
1745, 1747.	} Jonathan Randall.	1759-1761.	Francis Willet.
1758-1760.		1759, 1762.	Henry Gardner.
1763, 1767.		1759-1761.	Jonathan Freeborn.
1769-1775.		1760, 1761.	} Joseph Lippitt.
1745, 1747.	Gideon Durfey.	1763, 1764.	
1745.	Benjamin Weight.	1761, 1762, 1765.	Joseph Harris.
1745, 1747.	Jeremiah Niles.	1761, 1763, 1764.	} Thomas Church.
1746.	John Cranston	1767, 1775.	
1746.	Abraham Redwood.	1762-1764.	Nicholas Tillinghast.
1746.	John Comstock.	1762-1764.	Darius Sessions.
1746, 1748.	Robert Gibbs.	1762.	Samuel Greene.
1746, 1748, 1749.	} Stephen Brownell.	1763, 1764.	} Peleg Thurston.
1751-1754.		1767-1769.	
1746.	} Robert Lawton.	1763, 1764.	} John Almy.
1748-1757.		1771-1774.	
1762.	} Philip Greene.	1763, 1764.	Samuel Brownell.
1746.		1763, 1764-1767.	} Joseph Hazard.
1746.	} Geoffrey Watson.	1769-1771, 1775.	
1748-1754.		1765, 1766-1768.	Gideon Wanton, Jr.
1758.		1765.	Ezekiel Comstock.
1747, 1750.	George Wanton.	1765, 1766, 1775.	John Jepsen.
1747, 1750.	Benjamin Tucker.	1765.	Caleb Allen.
1747, 1756, 1759.	Joseph Edmonds.	1765.	Thomas Hazard.

1765, 1766.	Othniel Gorton.	1768.	Constant Southworth.
1766, 1768.	Thomas Owen.	1769.	Job Bennett.
1766.	Stephen Rawson.	1769-1773.	Solomon Drown.
1766.	John Burton.	1769-1774.	David Harris.
1766.	George Nichols.	1769, 1770.	Weston Hix.
1766, 1768.	Hezekiah Babcock.	1769-1774.	William Richmond, Jr.
1767.	Josiah Arnold.	1770-1773. }	Samuel Dyer.
1767, 1768.	Ephraim Bowen.	1775.	
1767.	John Mawdfley.	1772, 1773.	Rowland Robinson.
1767-1774.	Thomas Wickes.	1774, 1775.	John Collins.
1767, 1769-1771. }	Joseph Hazard.	1774.	Peleg Barker.
1775.		1774, 1775.	John Sayles, Jr.
1768.	Silas Cooke.	1774.	William Potter.
1768, 1772, 1773.	James Barker, Jr.	1775.	Ambrose Page.
1768.	John Waterman, Jr.	1775.	Peter Phillips.

## NEW HAMPSHIRE.

*Governors.*

1740-1767.	Benning Wentworth.	1767-1775.	John Wentworth.
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*Counsellors.*

1716-1741.	Shadrach Walton.	1759-1769.	James Nevin.
1716-1749.	George Jaffrey.	1762.	William Temple.
1724-1748.	Jotham Odiorne.	1762-1769.	Theodore Atkinson, Jr.
1728-1757.	Henry Sherburne.	1762-1767.	Nathaniel Barrett.
1732-1742.	Richard Waldron.	1765-1775.	Peter Livius.
1732-1743.	Joshua Pierce.	1766-1775.	Jonathan Warner.
1734-1775.	Theodore Atkinson.	1766-1775.	Daniel Rindge.
1734-1755.	Ellis Huske.	1768-1773.	Daniel Pierce.
1734-1744.	Joseph Sherburne.	1766.	Daniel Rogers.
1740-1765.	Richard Wibird.	1766-1775.	George Jaffrey.
1740-1745.	John Downing.	1766, 1767.	Henry Sherburne.
1740-1760.	Samuel Smith.	1766.	Paul Wentworth.
1743-1757.	Samuel Solley.	1772-1775.	Peter Gilman.
1747-1772.	Sampson Sheafe.	1772-1775.	Thomas W. Waldron.
1753-1775.	Daniel Warner.	1774, 1775.	John Sherburne.
1754-1765.	Joseph Newmarch.	1774, 1775.	John Phillips.
1759-1767.	Mark H. Wentworth.	1775.	George Boyd.



## INDEX TO VOLS. I.-V.

---

### A.

**Abenakis Indians**, a Jesuit mission established among them, IV. 81; join in Philip's attack on the Plymouth settlements, *ib.*; engaged by Fontenac against the English at Schenectady, 44; ask for a treaty of peace, 92; but change their minds and make an attack on Wells, Me., *ib.*; attack Wells, 94.

**Abercrombie**, Gen. James, expected to command the forces in North America, V. 145; succeeds Loudoun in command of English troops, 156; defeated by Montcalm at Fort Ticonderoga, 160, 161; superseded in his command by Amherst, 162.

**Abhorers**, first name of the Tory party, III. 256.

**Aborigines**, of New England, descriptions of, by the early voyagers, I. 19, 20; identity of appearance and habits among the different tribes, *ib.*; belong to the family of the *Algonquins*, 23; number of, at the time of the first English immigration, 24; number of, in Connecticut and Rhode Island, *ib.*; in Maine, *ib.*; physical characteristics, 25; dress, houses, and food, 26; horticulture and fishing, 27; cookery and manufactures, 28; tools, arms, ornaments, and furniture, 29; domestic relations, 31; burials, *ib.*; trade and money, 32; indolence and vicious habits, *ib.*; inventions, 33; music, eloquence, &c., 34; science and power of calculation, 35; civil state and government, 36; sachems and sagamores, 38; languages, 40; religion, 43; stoicism, 49; inferior capacity for civilization, 50; carried to Europe and sold as slaves, 64; one kidnapped from Martha's Vineyard, and exhibited in London, 85.

**Abraham**, Mount, I. 6.

**Acadia**, I. 77; granted to the Sieur de Monts, *ib.*; his designs abandoned, 234; the French in, II. 144; conquered by the English and called *Nova Scotia*, 286; the French pretensions to,

IV. 169; an attempt to define the territory in, ceded to Great Britain, V. 116.

**Acadians**. See *French Neutrals*.

**Acts of Navigation** considered oppressive by the General Court, IV. 199.

**Adams**, Abigail, Mrs., her mental accomplishments, &c., V. 221, *n.*

**Adams**, John, his thoughts of independence for the colonies, V. 214, *n.*; diary of, cited, 219, *n.*; extract from a letter on Writs of Assistance, 236, *n.*; at the hearing on Writs of Assistance, 239, 240, *n.*; quoted concerning the religious controversy between Massachusetts and England, 254; counsel for seamen indicted for murder in resisting an impressment, 399; a graduate of Harvard College, 405, *n.*; extract from his "Trials of British Soldiers," 409, *n.*; mentioned, 415, *n.*; counsel for the prisoners in the Boston massacre, 418, 420; retires from Court and removes his residence to Braintree, 445; represented Massachusetts in the first Congress, 538; works of, cited, 542, *n.*

**Adams**, Samuel (the elder), resigns commission as military officer, IV. 552, *n.*

**Adams**, Samuel, his first thought of independence, V. 214, *n.*; biographical sketch of, 273; drafts "Instructions" to the General Court on the adoption of the Sugar Act, 274; a Representative to General Court, 328; mentioned, 357, 413, 415, *n.*, 493, 495; on committee of correspondence, 376, 378, 381, 447; a graduate of Harvard College, 405, *n.*; supposed to be the author of the pamphlet "Vindication of Boston," &c., 414, *n.*; demands the removal of the troops from Boston after the massacre, 419; member of a committee protesting against holding court at Cambridge, 444, 446; returned to the House of Representatives, 450, *n.*; motion of, for a committee of correspondence in Massachusetts, 461; member of committee to "consider the state of the Province," 477; Hutchinson's estimation of, 490; on committee

- to consider the Boston Port Bill, 530 ; represented Massachusetts in the first Congress, 538.
- Addington*, Isaac, appointed secretary, IV. 86 ; interested in the establishment of Yale College, 372.
- Addison*, Joseph, secretary of state, IV. 460, n.
- Addison*, Joseph, author, IV. 384, n. ; his "Cato" reprinted in Boston, V. 218, n.
- Admiralty* Court constituted for New England, III. 484.
- Adolphus*, John, his "History of England," cited, V. 354, n.
- Adventurers*, London. See *Merchant Adventurers*.
- Agamenticus*. See *York*.
- Agawam* (Ipswich), settlement at, forbidden, I. 319 ; plantation begun at, 369.
- Agents* in England, the governor will not allow paid agents in England, other than the Province agent, V. 448, 477.
- Agreement* at Cambridge, 1629, I. 302.
- Agriculture* in New England, I. 13 ; II. 52.
- Ainsworth's* Version of the Psalter, II. 41, n.
- Albania*, New Jersey so called, II. 592.
- Albany*, Fort, the name given to Fort Orange, II. 592.
- Albemarle*, his "Memoirs of Marquis of Rockingham," cited, V. 354, n.
- Alden*, John, I. 162.
- Alderman*, a friendly Indian, shoots King Philip, III. 205.
- Alexander* (Wamsutta), sachem of the Pokanokets, III. 143 ; his death, *ib*.
- Alexander*, Sir William, his account of Popham's colonists on the Kennebec, I. 84, n. ; created Earl of Stirling, and obtains a patent for Nova Scotia, 234.
- Alexandria*, meeting of colonial governors at, for purpose of defence against the French, V. 130.
- "*Algerine* Captive, The," by Royal Tyler, published in New England, V. 219.
- Algonquins*, a family of Indians, I. 23 ; territory occupied by the, *ib*.
- Alien* Law, in Massachusetts, I. 482.
- Allegiance*, Oath of, not administered in Massachusetts, I. 499 ; imposed upon Roger Williams, 500.
- Allen*, Ethan, resists the claim of Lord Dunmore to certain land grants in Bennington, Vermont, V. 499 ; his action in maintaining the rights of settlers in New Hampshire grants, 501.
- Allen*, James, his dissatisfaction with the charter of Harvard College, IV. 194, n.
- Allen*, John, concerning his claims to New Hampshire lands, V. 186.
- Allen*, Samuel, a London merchant, buys land in New Hampshire, IV. 207 ; appointed governor of New Hampshire, 208 ; comes to New Hampshire and assumes government, 215 ; his proposals to Lord Bellomont to join him in his claims in New Hampshire, 217 ; his unsuccessful litigation, 218. 347, 349 ; his claim to lands in New Hampshire prosecuted by his son, 346 ; death of, 348, n.
- Allen*, Thomas, son of Samuel, prosecutes the land claim of his father, IV. 348 ; death of, 349.
- Allerton*, Isaac, assistant governor of the Plymouth Colony, I. 180 ; his voyage to England, 227 ; his second voyage to England, 230 ; falls under the displeasure of his Plymouth associates, 334 ; his residence at Marblehead, and at New Haven, 335.
- Allin*, Rev. James, mentioned, V. 5, n.
- Allyn*, John, treats with New Haven on the matter of union with Connecticut, II. 549 ; some account of, *ib*, n. ; his great influence in Connecticut, III. 288 ; secretary of Connecticut, suspected of witchcraft, IV. 110 ; death of, mentioned, 228, n.
- Almanacs*, early New England, III. 519, n.
- Almy*, Christopher, declines chief magistracy of Rhode Island, IV. 235 ; sent to England with an address from Rhode Island, 239.
- American* Independence, the war of, begun, V. 564.
- Amesbury*, Mass., IV. 30 ; in line of Indian attack, 266.
- Amherst*, Jeffrey, supersedes Abercrombie in the command of English forces in America, V. 162 ; effects the siege of Louisburg, 163 ; brings his transports to Boston, 164, n. ; in expedition against Quebec, 165 ; his victories on Lake Champlain, 166 ; is knighted by William Pitt, 171 ; joins Johnson and Murray with troops at Montreal, 171 ; removed from the government of Virginia, 396.
- Ammunition*, the General Court pass a bill for supplying the militia with, V. 466, n., 477, n.
- Amsterdam*, the Scrooby church at, I. 139 ; the London congregation at, 140.
- Amusements* in New England, II. 67.
- Anabaptists*. See *Baptists*.
- Anabaptists*, the, at Newport, IV. 591, n.
- "*An Appeal* to the World," &c., a pamphlet vindicating Boston from the memorials of Governor Bernard, V. 413.
- Ancient* and Honorable Artillery Company, formation of, I. 556.
- Andover*, Mass., IV. 30.
- Andrew*, president Yale College, IV. 372.
- Andrews*, John, fined and imprisoned by Andros, III. 528.
- Andrews*, William, sentenced by the General Court of Massachusetts to servitude, I. 553.
- Andrews*, William, an instructor of youth at Hartford, II. 48.
- Andros*, Sir Edmund, made governor of



New York, III. 34; takes possession of New York, 127; some account of, *ib.*, *n.*; lays claim to territory of Connecticut, 128, 129; his proceedings at Saybrook, 130; returns to New York, 131; his conduct during the Indian war, 208; sends a force to Pemaquid, 213; his complaints of Massachusetts, *ib.*; his testimony in regard to the colony, 313, *n.*; lays claim to Fisher's Island, for the Duke of York, 440, *n.*; governor of New England, 511; principles of his government, 512; extent of his jurisdiction, his powers, &c., 515; his assumption of the government, 517; demands the Rhode Island charter, 518; rates, duties, and imposts, 520; his institution of Anglican worship, 521; his report to the Lords of the Committee, 522; juries corruptly constituted and the laws not printed under the rule of, 523; his imposition of taxes resisted in Massachusetts, 524; suppression of the resistance, 526; general submission to his mode of taxation, 529; demand of quit-rents, *ib.*; seizure of common lands, 530; extortion of excessive fees, degradation of the Council, &c., 531; his commission embraces Maine, 532; his despotic government over Maine, 534; his proceedings in Plymouth, *ib.*; his government extended over Rhode Island, 535, 536; pretensions to the government of Connecticut, 537; sends commissioners to Connecticut, 539; visits Connecticut, 542; his reception, *ib.*; succeeds in his design of annexing Connecticut to his government, 543; his proceedings in Connecticut after its annexation, 546; returns to Boston, *ib.*; builds a fort on Fort Hill, 549; deficiencies in revenues, *ib.*; Writs of Intrusion, 551; narrative of Joseph Lynde, *ib.*; appoints a day of thanksgiving for the queen's pregnancy, 555, *n.*; expedition of, to the eastern country, and capture of a French post, 558; treats with the Maine Indians, 559; regulates affairs in Cornwall, 560; governor of the English possessions in America, as far south as Delaware Bay, 561; visits his southern provinces, 562; proclaims a thanksgiving day for the birth of the Prince of Wales, *ib.*; visits the Iroquois Indians, 563; reasons for the consolidation of the English colonies in the North under, *ib.*, *n.*; arrests the military expedition against the Eastern Indians, 567; attempts fruitlessly to treat with the Eastern tribes, *ib.*; his unsuccessful expedition into Maine, 568; suspicions entertained of his designs, 569; his return to Boston, 570; charges of

treachery against, and his imprudent treatment of them, 572; receives news of the landing of the Prince of Orange in England, 574; takes refuge in the fort, 577; rising in Boston, *ib.*; seeks a conference with the insurgents, 580; summons to, *ib.*; attempts to reach the "Rose" frigate, but is prevented and surrenders, 581; fails in his attempt to escape from imprisonment, 583; confined in the castle, *ib.*, *n.*; impeachment of, 593; order to Massachusetts for his return to England, IV. 26; escapes to Rhode Island, 63; arrival of in England, 67; the agents decline to prefer complaint against him, *ib.*; himself and fellow-culprits set at liberty, 67; made governor of Virginia, *ib.*; reason for the abandonment of the complaint against, 68; action of, to prevent the restoration of the charter to Massachusetts, *ib.*; friendly to Rhode Island, 235; mentioned, 474, *n.*

*Andros, Lady*, death and burial of, III. 549, *n.*

*Androscoogin River*, source of, I. 7; navigable for small vessels, 9.

*Anglesey, Lord*, chides the Colonists for their bearing towards the home government, III. 231.

"*Ann*," arrival of the, at Plymouth, I. 211, 218.

*Annapolis*, reinforced, anticipating an attack from the French, V. 59, *n.*; encounter of French and English at, 87.

*Anawon*, made prisoner, III. 206; beheaded at Plymouth, 221.

*Anne, Princess*, her marriage, III. 267; joins the Prince of Orange, 475.

*Anne, Queen*, her hostility to dissenters, IV. 244; declares war against France, 249; disallows the penalties imposed upon Vetch and others, 326; orders a councillor to preside in place of a governor deceased, 339, *n.*; letter of, concerning the salary of Governor Dudley, 345, *n.*; allows a trial of the Allen land claim, 349; death of, 376; how her death affected colonial freedom, 379, 380.

*Anson, Admiral*, puts to rout the French fleet sent to Nova Scotia, V. 86.

*Antigua*, island of, IV. 17, *n.*

*Antinomianism*, in New England, I. 474; interference of the ministers in the controversy, 475; a fast appointed, 477; censure of Mr. Wheelwright, *ib.*; political necessity for the proceedings against, 489; mixed motives of the party opposed to, 505; their moderation, 506; punishment of the Antinomians, *ib.*; inadequate defence of the government party, 508; beneficial results of their course, 509; dispersion of the Antinomians, 510; for a time

- triumphant at Cochecho, 520; several of them return to Massachusetts, 606.
- "*Antinomians and Familists condemned*," &c., cited, I. 491, 492, 495, n., 504, 507, n., II. 173, n.
- Anrille*, Duke d', commands a French fleet to Nova Scotia, &c., V. 86; death of, *ib.*
- Apian*, Peter, his map of the world, drawn in 1520, I. 95.
- "*Apologetical Narrative*," published by the Independents, in the Westminster Assembly, II. 83.
- Apollonius*, William, defends Presbyterianism against Independency, II. 91.
- Appalachian* range of mountains, I. 1, 6.
- Appleton*, John, meeting at his house at Ipswich to resist the arbitrary imposition of taxes, III. 525; left off the Board of Councillors, IV. 254.
- Appleton*, John, Jr., fined and imprisoned under Andros, III. 525, 526, 528.
- Appleton*, Rev. Nathaniel, D.D., III. vi.; election into Harvard College corporation, IV. 416.
- Appleton*, Major Samuel, his patriotic conduct in the Indian war, III. 166; succeeds Pynchon, as commander-in-chief on the Connecticut, 171; Connecticut officers complain of his inaction, 173; joins Governor Winslow at Pettyquamscott, 175.
- Apthorp*, East, his treatise on the "Propagation of the Gospel," &c., V. 254.
- Aquetnet*, settlement on the Island of, by the Antinomians, I. 511; purchased from Canonicus and Miantonomoh, 512; is called "the Isle of Rhodes," *ib.*; dissensions at, *ib.*; new organization formed at, 514; proceedings of the planters at, 607; not admitted into the Colonial confederacy, 630; proceedings of the Federal commissioners with reference to, II. 152; remarks upon the settlements on, and the neighborhood, 343.
- "*Arbella*," the, sails from Yarmouth, I. 311; her voyage, 312; arrival at Salem, 313.
- Archer*, Gabriel, his relation of Gosnold's voyage quoted, I. 20, 71, n., 72, n.; his description of Martha's Vineyard, 72; and of Cuttyhunk, *ib.*
- Architecture* of New England, II. 58.
- Area* of New England, I. 1, 2.
- Argal*, Captain, breaks up the French settlements at Mount Desert and Port Royal, I. 85, 234.
- Argyll*, Marquis of, some account of the, II. 439; his trial and death, 440.
- Arlington*, Henry Bennett, Earl of, one of the Cabal Ministry, III. 10; some account of, 11; the "Eliab" of Dryden, *ib.*; disappears from public life, 21.
- Arminius*, professor at Leyden, I. 145.
- Armstrong*, John (Robert), sent to New England as surveyor of woods, IV. 412; his unfriendly reception in New Hampshire, 462; friendliness of Governor Wentworth for him, 463, n.; the charges against him, *ib.*
- Arnold*, History, cited, V. 206, n.
- Arnold*, Benedict, probably the builder of the Old Round Tower at Newport, I. 57; interpreter of the Shawomet sachems at Boston, II. 123; succeeds Williams as governor of the Providence colony, 366; his letter to Massachusetts, upon the Quakers, 472; the first governor under the charter of Rhode Island and Providence Plantations, 569, 571.
- Arnold*, William, his letter about Gorton, II. 117.
- Arrowsick*, capture of the fort at, by the Indians, III. 208; meeting of Governor Shute with the Eastern Indians at, IV. 419.
- Articles*, The Thirty-nine, submitted to Parliament, I. 120.
- Articuli Cleri*, opposed by the jurists, I. 250.
- Arundel* of Wardour, Lord, assists Weymouth in his second voyage of discovery, I. 75.
- Ashford*, Conn., IV. 474, n.
- Ashley*, Edward, establishes a trading-house on the Penobscot, I. 337.
- Ashurst*, Sir Henry, treasurer of the Society for the Propagation of the Gospel among the Indians, II. 446; supposed author of the "Memorial of the Present Deplorable State of New England," quoted, III. 526; agent in England for Massachusetts, IV. 67; mentioned, 85, 202, 335, 366, n., 450, n.; opposes Dudley for governor, 164; quoted concerning a salary for Lord Bellomont, 177; death of, 279; takes umbrage at Dudley's rejection of Sargent for councillor, 291, n.; extract from a letter to Dudley, 310, n.; argues charges made against Connecticut, before the Privy Council, 368; defends the New England charters, 487.
- Ashurst*, Sir William, mentioned, IV. 335; declines to succeed Sir Henry as agent for Massachusetts, 279; friendly to Dudley as governor, 338; death of, 428, n.
- Askew*, Ann, suffers at the stake, I. 111.
- Aspinwall*, William, an adherent of Mrs. Hutchinson, disfranchised and expelled from the colony, I. 485; proceedings against at Aquetnet, 513; again elected to office, 514; returns to Boston, and is reconciled to the church there, 606; publishes Cotton's Abstract of Laws, II. 296; a

leader among the Fifth-monarchy men, 510.

*Assembly* of Divines at Westminster. See *Westminster Assembly*.

*Assembly* (Ecclesiastical), in Connecticut, III. 117.

*Assistant*, permanency of the office of, I. 349. See *Courts of Assistants*.

*Assistants*, chosen by the Massachusetts Company, I. 302.

*Astley*, Lord, taken prisoner by Colonel Morgan, II. 100.

*Astwood*, M., sent from New Haven to England to solicit aid against the Dutch, II. 371.

*Atherton*, Humphrey, one of the commissioners sent to Gorton's company at Shawomet, II. 132; commands part of an expedition against the Narragansetts, 231; appointed "ruler over the praying Indians" of Massachusetts, 338; some account of, 339, *n*.

*Atherton Company*, question of jurisdiction over the lands of the, II. 561; names of the partners of, *ib.*, *n*.; favored by the king, 564; place their lands under the jurisdiction of Connecticut, 571; lands of, to be relinquished to the Indians, 603; receive permission from Connecticut to settle plantations, III. 429; advertise for settlers upon their lands, 430; claims of, to lands in the Narragansett country, condemned by Andros, 537.

*Atkinson*, Theodore, mentioned, IV. 569, *n*.; V. 490, *n*.

*Atterbury*, Francis, Bishop, banished to France, IV. 331.

*Atterbury*, Lewis, author, IV. 384, *n*.

*Attorney-General*, dispute in General Court concerning the appointment of, IV. 523, 523, *n*.; V. 115.

*Attucks*, Crispus, killed in the Boston Massacre, V. 418.

*Atwood*, William, New York, IV. 199.

*Auchmuty*, Judge Robert, counsel in a hearing on Writs of Assistance, V. 240, 241; certain offensive letters written by, 462; investigates the burning of the King's schooner, "Gaspee," 513.

*Augh*, Quant, Johnson (Cato), Indian, IV. 365, *n*.

*Aulney-Charnisé*, Charles de Menou, Sieur d'. See *Menou*.

*Aurora borealis*, observed in New England, IV. 404, *n*.

*Austerfield*, the birthplace of William Bradford, I. 132, *n*.; 133; description of, 134, *n*.

*Austin*, Anne, a Quaker, arrives in Boston, II. 463.

*Autonomy*, connected with *Separatism*, the the form of government adopted by New Haven, &c., I. 535.

## B.

*Bacon*, Francis, Viscount St. Albans, impeachment of, I. 257; mentioned, IV. 384, *n*.

*Bacon*, Sir Nicholas, supports Nonconformity, I. 119.

*Bahamas*, island of, IV. 17, *n*.

*Bailey*, Rev. John, emigrates from Limerick to New England, III. 497.

*Baker*, Christina, a letter addressed to, IV. 498, *n*.

*Ballot*, Elections by, I. 429.

*Bancroft*, Richard, Bishop of London, conduct of, at Hampton Court, I. 129; his accession to the Primacy and his severity to the Reformers, 182; the result of his severities, 240; his death, and the character of his administration, 254.

*Banks*, private or public, the question of, IV. 391, *n*.

*Baptism* of infants in New England, II. 42; questions respecting, in the Congregational Church, 487.

*Baptists*, the, in England, I. 414; their church at Newport, II. 346; law against, in Massachusetts, 347; in Plymouth, 349; enmity of, against Coddington, 350; proceedings against, in Massachusetts, 485, 486; renewed controversy with, III. 88; numbers of, disfranchised and imprisoned, 89; public debate in Boston with Orthodox divines, 90; discontinuance of proceedings against, 91, 353; law passed relieving them from parish taxes, IV. 528; released from taxes for support of the ministry in Connecticut, 580; gain many members after the religious excitement caused by Whitefield, &c., V. 31.

*Barbadoes*, island of, IV. 17, *n*.

*Barebones* Parliament, II. 289; dissolves itself, 290.

*Barefoote*, Walter, deputy-collector in New Hampshire, fined for insolent conduct, III. 405; appointed deputy-governor of New Hampshire, 412; corresponds with the Privy Council, 413, *n*.; made a justice for New Hampshire, 495.

*Barkhamstead*, Conn., settled, IV. 576, *n*.

*Barlow*, Dean of Chester, his account of the Hampton Court Conference, I. 130, *n*.

*Barneveldt*, his incorruptible spirit and his violent death, I. 144; the cautionary towns surrendered to, 253.

*Barre*, Isaac, with Amherst at the siege of Louisburg, V. 163; argues the Stamp Act in Parliament, 287; mentioned, 399; in debate in House of Commons, 424, 428; extract from speech in Parliament against Lord North's Bills, 555.

- Barrington*, Lord, quoted, IV. 389, n., 415, n.; mentioned, V. 224, n., 229; vote in Parliament, 429; bill in Parliament to provide quarters for the king's troops in America, 527.
- Barrington*, N. H., IV. 462.
- Barrington*, R. I., IV. 586.
- Barrow*, author, IV. 384, n.
- Bastwick*, Dr. John, punished by the Star-Chamber Court, I. 564.
- Bates*, William, English divine, IV. 5.
- Baxter*, Richard, sufferings of, under the Conventicle Act, III. 8; gives books to Harvard College, 93; mentioned, IV. 5, 384, n.; quoted, 30, n., 125, n.; his "Certainty of the World of Spirits," &c., 102, n.; his "Call to the Unconverted" reprinted in America, V. 218, n.
- Baxter*, Thomas, privateering officer of Rhode Island, II. 360; arrested and fined, 378.
- "*Bay Psalm Book*," the, published, II. 41, n.
- Baylie*, Robert, his denunciation of Independency, II. 83; his account of Robinson, Goodwin, and Cotton, 84; denounces toleration, 89; an opponent of Cotton in the Presbyterian controversy, 91.
- Bays* of New England, I. 10.
- Beacon Hill* in Boston, I. 360; a beacon ordered to be placed upon, 395.
- Beau Séjour*, Fort, taken from the French at Nova Scotia, V. 132, n.
- Beçan cour*, an Indian settlement at, IV. 259.
- Beckford*, Alderman, argues the Stamp Act in House of Commons, V. 287.
- Bedford*, Duke of, V. 95; disapproves of the attack on Quebec, 84, n.; address of, concerning the disturbances at Boston, 397.
- Beers*, Capt., defeated at Northfield by the Indians, and killed, III. 165.
- Behn*, Mrs., IV. 384, n.
- Belcher*, Capt. Andrew, treats with the Mohawks, IV. 43, n.; an inn-keeper at Cambridge, 530; son of Governor Jonathan, 561, n.
- Belcher*, Andrew, Jr., a merchant of Boston, IV. 530.
- Belcher*, Jonathan, Governor, mentioned, IV. 340, n.; unfavorable to the appointment of Burgess for governor, 386; his *talk* with a Penobscot Indian, 444, n.; co-operates with Francis Wilks as agent for Massachusetts, 517; his sentiments concerning the governor's salary, 522, n.; rejected as councillor by Burnet, 523; appointed governor of Massachusetts, 529; his character portrayed, 530; quoted concerning his appointment, 532, n.; his inaugural speech, 534; demands a fixed salary, 535; extracts from his letters, 538, n.; allowed by the king to receive the grants of the House of Representatives, 539; his appointments to office, 540; disapproval of the claim of the House to audit accounts, 542; reminds the Court of the emptiness of the treasury, *ib.*; a rumor in London of his being superseded, 546, n.; reports to the Ministry the harmonious relations between himself and the Court, *ib.*; pronounces himself against the scheme of the *Land Bank*, 551, 551, n.; intrigues against him, 559; proposes grants for the relief of Quakers, 559, n.; charges made against him in England, 560; his removal from office, 561; the influence of his administration, *ib.*; extracts from his correspondence concerning his removal, 561, n.; his unpleasant relations with his sons, *ib.*; his transfer to the administration of New Jersey, and death, 562; he takes offence against Lieut. Governor Wentworth, 566; his quarrels with David Dunbar, 568; quoted concerning Dunbar, *ib.*; his charges against Dunbar, 570, 571, n.; insists upon a supply to the treasury of New Hampshire, 571, n.; sent to England as agent for Connecticut, 579; mentioned, V. 5, 179; attends Whitefield's farewell sermon, 10; accused of hypocrisy, etc., by James Bowdoin, 47; letter to William Shirley, 49, n.
- Belcher*, Jonathan, Jr., appears before the Board of Trade in his father's behalf, IV. 539, n.; mentioned, 561, n.
- Bellnap*, Rev. Jeremy, his description of the Island of Cuttyhunk as it appeared in 1797, and of the remains of Gosnold's store-house, I. 73; his "American Biography," cited, 76, 186, 205; his "History of New Hampshire," quoted, III. 403, n.; mentioned, IV. 349, n.
- Bell*, Sydney Smith, his "Colonial Administration," &c., IV. 18, n.
- Bellingham*, Richard, chosen deputy-governor of Massachusetts Bay, I. 428, 556; and governor, 611; his unsatisfactory administration, 612; admonished by the Deputies, *ib.*; his desire to become a member of "The Council for Life," 614; denies to the magistrates a negative voice, 619; remarks upon, II. 381; deputy-governor, 468; his influence against the Quakers, *ib.*; chosen governor of Massachusetts, *ib.* 610; his thorough acquaintance with the Massachusetts charter, 615; his presence in England demanded by the king, 625; his interview with Samuel Maverick, *ib.*, n.; his death, III. 92.
- Bellomont*, Earl of, succeeds Phips as governor, IV. 165; reasons for his

- appointment, 167; appointed governor of Massachusetts, 169; incurs the displeasure of the king, *ib.*; arrives at New York, 170; visits Boston, 171; his treatment of Lieut. Governor Stoughton, *ib.*; his advice to the General Court concerning the establishment of courts, 174; his misrepresentations of Massachusetts to the Lords of Trade, 175; grants of salary of the General Court to, 176; complains of the amount of his salary, 177; his desire to capture William Kidd, 180; is instrumental in fitting out a privateer with William Kidd as commander, 181; turns his attention to the condition of the French Huguenots, 185, *n.*; his attention called to a new conspiracy of the Eastern Indians, 186; attempts to revive the English Church service in Boston, 188; recommends a charter for Harvard College, 194; draft of a charter intrusted to his care, 195, 195, *n.*; death of, at New York, 196; his visit to New Hampshire, 215; proposals of Samuel Allen to him concerning his claims in New Hampshire, 217; his dissatisfaction with Partridge, 218; investigates the piratical trading of Rhode Island, 240; his report to the Board of Trade, 241; his administration in Massachusetts, 595.
- Benevolences* refused to James I., I. 253.
- Bennett*, Capt., brings news to Boston of the surrender of Louisburg, V. 75.
- Bennett*, Joseph, extract from his "History of New England," V. 44, *n.*
- Bennett*, Spencer, adopted son of Sir William Phips, V. 110, *n.* See *Phips*, Spencer.
- Bennington*, the settlers at, resist Lord Dunmore's claim to their land grants, V. 49.
- Berdt*, Dennis de, special agent in London, V. 337.
- Berkeley*, Bishop, his residence in Newport, R. L., IV. 590; his gifts to Yale College, *ib.*; his project of a college for missionaries in America, *ib.*; his "Alciphron, or Minute Philosopher," *ib.*
- Berkeley Rock*. See *Dighton Rock*.
- Berkshire County*, situation of, and elevation of land in, I. 5.
- Bermudas*, the, island of, IV. 17, *n.*
- Bernard*, Francis, Governor, extract from an address to, V. 178, *n.*; comes to Massachusetts as governor, 224; his speech not pleasing to the General Court, 225; expresses his opinion of Massachusetts to the Lords of Trade, *ib.*; correspondence concerning the disposition of the French Neutrals, 226, *n.*; his disaffection with Temple, surveyor-general, 227, *n.*; accuses Massachusetts of avoiding the Navigation Laws, 227; his scheme for the division of New England, 228, 279, *n.*; a grant of Mount Desert made to, by the Court, 232, 248; opposition of the House to his increasing the establishment of a war-vessel, 249; quoted concerning a priest for the Indians, 255, *n.*; his objections to the enforcement of the Sugar Act, 261, *n.*; letter to the Board of Trade, concerning the Sugar Act, 262; suspected of hostility to ecclesiastical institutions, 254; applies for the extension of the stamp duties to the colonies, 264; correspondence concerning the Sugar Act quoted, 279, *n.*; his correspondence quoted concerning the Stamp Act, 316, *n.*, 317, *n.*; addresses the Legislature on the passage of the Stamp Act, 317, 326; receives the stamped paper intended for Massachusetts and New Hampshire, 323, 324; his determination to enforce the Stamp Act, 327, 327, *n.*; correspondence quoted on the Stamp Act, 338, *n.*, 339, *n.*, 342, *n.*; his unfriendly speeches and demonstrations to the General Court after the repeal of the Stamp Act, 355, 356, 358; demands indemnity from the Court for the sufferers from the riot, 358, 360, 361; disputes with the Court Hutchinson's right to sit in council, 367; the unfriendly feelings between the General Court and, 371; correspondence quoted, 376, *n.*, 380, *n.*, 386, 337, *n.*, 389, *n.*; presents to the House Lord Shelburne's letter of disapprobation, 377; presents to the House the king's requisition for them to rescind the resolutions of their circular letter, 381; concerning the ordering out of troops, 386; letter of Commodore Hood on his conduct in the matter of troops to Boston, 392, *n.*; quoted concerning the arrival of troops in Boston, *ib.*; requested by the House of Representatives to remove the troops from Boston, 400; accused of conniving at smuggling, 401, *n.*; is refused a grant of salary by the House, 402; prorogues the Court, 403; his return to England, 404; desires a hearing of the charges against him, 405; promises an office to Hutchinson, 406; extracts from his letters to Hutchinson, 406, *n.*; how regarded by Englishmen, *ib.*; acquitted of the complaint against him, 407, 408; his pamphlet "Letters on the Trade and Government of America," 408, *n.*; his later life, *ib.*; indictment against, by the grand jury, mentioned, 415, *n.*
- Bescanour* (Three Rivers), IV. 46.
- Bible*, the, in English, placed in every church, I. 111.
- Biddle*, Richard, "Life of Sebastian Cabot," cited, I. 63, *n.*



- Billings*, William, founder of American school of music, V. 221, n.
- Billington*, John, punished for disorderly conduct, I. 188; hung for murder, 334.
- Bill*, of Lord Barrington to provide quarters for the king's troops in America, V. 527; of Lord Chatham for "settling the troubles in America," &c., 550; proposed to Parliament by Lord North to induce the importation of tea into America, 468; of Lord North, the Boston Port Bill, 523; of Lord North, to convey accused persons to England for trial, 526; of Lord North, for enforcing the laws in America, &c., 552, 553; of Lord North, to govern the election of councillors, judges, &c., in Massachusetts, 525.
- Bill of Rights*, act of the provincial legislature for a, IV. 161.
- Bills of credit*, issue of, in Massachusetts, IV. 58; when redeemable, 333, n.; made a legal tender in payment of debt, 334; issue of, by the State of Rhode Island, 361; issue of, by Connecticut, 362, 482; issue of, by South Carolina, 404, n.; issued by the Representatives, 445; issue of, by New Hampshire, 459, 463, V. 181; memorial of the General Court concerning the, 547. See *Paper Currency*.
- Biorne*, or *Biarne*, an early navigator, visits America, I. 53.
- Birds of New England*, I. 17.
- Bishop*, Bridget, executed for a witch. IV. 105.
- Bishop*, James, deputy-governor of Connecticut, III. 442; mentioned, IV. 228.
- Bishops*, opposition of seven, to the Declaration of Indulgence, III. 463; imprisonment of the, 464; their trial, and acquittal, 465.
- Blackburn*, —, portrait painter, V. 220.
- Blackpoint*, Indian ravages at, IV. 261.
- Blackstone's "Commentaries,"* cited, V. 219, n.
- Blackstone River*, its course, &c., I. 8.
- Blackwell*, John, grant of land to, III. 497; some account of, *ib.*
- Bladen*, Martin, proposes Shirley for governor, V. 48.
- Blake*, Colonel, afterward Admiral, besieged in Taunton, II. 98; his first appearance as a naval commander, 283; attacks the Dutch fleet at Dover, *ib.*
- Blanchard*, Colonel, commands a New Hampshire regiment at Lake George, V. 189.
- Bland*, Richard, member of Virginia committee, V. 461.
- Blathwayt*, William, auditor and surveyor-general in North America, III. 320.
- Blathwayt*, —, secretary to Board of Trade, IV. 218.
- Blaxton*, William, at Shawmut, now Boston, I. 238; his claim from pre-occupancy settled, 359.
- "*Blessing of the Bay*," the first vessel built in Massachusetts, I. 370, II. 55.
- Blinman*, Rev. Richard, his labors among the Pequots, II. 340.
- Block*, Adrian, explores Long Island Sound and Narragansett Bay, I. 235.
- Block Island*, named from Adrian Block, I. 235, n.; incorporated as a town, III. 114.
- Bloody Brook*, battle of, III. 169.
- "*Bloody Tenent of Persecution*," by Roger Williams, I. 415, n., 609.
- Blowers*, Sampson, counsel for the prisoners in the Boston massacre, V. 420; death of, in Halifax, 420, n.
- Blue Laws of New Haven*, a fiction, II. 32, n., 375.
- Board of Trade*, the, revived by King William, IV. 21; proves to be an inefficient agency, 22; orders a draft of a new charter for Massachusetts, 72; desires Massachusetts to rebuild Fort Pemaquid, 199; quoted, 200; plan of, for uniting New York and Connecticut, 220; complaint of, against Connecticut for refusing judicial appeals, 224; instructions of, to Fletcher concerning troops, 227; report of Lord Bellomont to, on affairs of Rhode Island, 241; rebukes the colony of Rhode Island, *ib.*; requires a census of Rhode Island, 357; complains of Rhode Island's non-conformance to the Navigation Laws, 358; memorial to, for a trading company in Massachusetts, 395, n.; report on the province of Nova Scotia, 413; report of the condition of the province of Massachusetts, 428; recommends a restraint upon the charter governments, 430; displeased with appointment of Vaughan as lieutenant governor, 458; charges made by, against the people of Rhode Island, 467; the eastern boundary line of Connecticut settled by, 486; journal of, quoted concerning the dispute between Burnet and the Court, 519, n.; hearing of the charges of Burnet against the Province by, 533, n.; scrutinizes the observance of the Navigation Laws, V. 54, n.; orders a congress of delegates from the several colonies to confirm a peace with the Five Nations, 121; correspondence concerning the disposition of the Acadians, 226, n.; recommends taking a census of Massachusetts, 260; the boundary between New Hampshire and New York referred to, 292.
- Body of Liberties*, The, cited, II. 7, n.,

17, *n.*, 29, 30, *n.*; contains the earliest written laws of Massachusetts, 22; established, 24; observations upon, 27; its enactments upon the death-penalty, inheritance, servitude, &c., 28; the foundation of a code of laws, 260.

*Boleyn, Ann*, popularity of, among Protestants, I. 115.

*Bolingbroke, Lord*, his scheme for the conquest of Quebec, IV. 280; his instructions to Governor Hunter, 281, *n.*; a leader of church bigotry, 380; his flight to France, 381; mentioned, 384, *n.*, 460, *n.*

*Bollan, William*, urges repayment to Massachusetts of the cost of the expedition to Louisburg, V. 101; mentioned, 234, *n.*, 477, 530, *n.*; dismissed from office, 254; prepares a treatise on the Stamp Act, 351; the court makes a grant of money to, 444, *n.*, 446.

*Bolton, Conn.*, IV. 474, *n.*

*Bomazeen*, Indian chief, killed, IV. 438.

*Bond, William*, deputy to General Court, IV. 137.

*Book of Canons*, its lofty pretensions, I. 132.

*Book of Common Prayer*, amended edition of, under James the First, I. 130.

*Book of Rates*, I. 251.

*Books*, the printing of, in America, V. 218, *n.*

*Booksellers* in Boston, 1674-1685, III. 69, *n.*

*Borland, John*, charged with illicit trading, IV. 299.

*Boscawen, Admiral*, holds council with Lawrence concerning the French Neutrals, V. 133; conveys troops to Great Britain, 168.

*Boston*, visit of Plymouth people to the bay of, I. 185, 186; named, 319; first General Court in, 321; settlements about the bay of, 323; sickness and famine in the settlements about, 324; division of the church at, 358; appearance of, in 1632, 360; scarcity of food at, 363; preparations against the French, *ib.*; character of the early settlers at, 367; formation of town government, 381; fortifications erected in the harbor of, 394; disaffection of, and removal of the Court from, to Newton, 480; petition from, *ib.*; powder and arms removed from, 487; first public schools at, II. 47; description of, in the "Wonder-working Providence," 271; description of, by the royal commissioners, III. 39; book trade of, 69; great fire of 1679, in, 338; worship of the Church of England set up in, 485; reception of Governor Andros at, 517; congregation of Huguenots arrive at, 546; commerce of, in 1688, 566, *n.*; rising in, against Andros, 577; the fishery trade

carried on at, IV. 187; sailing of the fleet from, against Quebec, 283; return of the remnant of the fleet, 284; the great fire in, 332, *n.*; visit and preaching of George Whitefield in, V. 9; visit and preaching of Gilbert Tennent in, 13; visit of James Davenport, revivalist, 15; deliberations and testimony of the ministers of, concerning the effect of itinerant preaching, 19; reaction from the religious excitement in, 18; second visit of George Whitefield to, 22; extract from Joseph Bennet's "History" on, 44, *n.*; rejoicings at, over the news of the surrender of Louisburg, 75; garrisoned against the arrival of the French fleet, 85; impressment of seamen attempted at, 88; arrival in, of gold coin from England in payment of the cost of the expedition to Louisburg, 102; breaking out of small-pox at, 116; the great fire in, 178, *n.*; English books reprinted in, 218, *n.*; action of the people on the news of the passage of the Sugar Act, 272; the House of Representatives request Bernard to remove the troops from, 400; news of the passing of the Stamp Act received in, 316; action of a mob in Boston on the arrival of Oliver as distributor of stamps, 319; determined resistance of the people to the Stamp Act, 321; the General Court grants indemnity to the sufferers from the riot in, 365; vote of the people protesting against the Townshend taxation, 374; the people agree to discontinue importation, 389, 389, *n.*; the people of, demand the removal of the ship-of-war "Romney" from the harbor, 390; troops ordered to, 391; a convention called at, to consider the existing grievances, 392, 393; resolves passed against a standing army in, *ib.*; a convention held, concerning the troops ordered to, 393; arrival of the British troops in, 395; arrival of General Gage, 395; the two grievances in, 409; the non-importation agreements in, 411; a pamphlet published in, being a vindication from the memorials of Governor Bernard, 413; acts of violence in, 414; a sailor tarred and feathered in, *ib.*; an account of the massacre at, sent to England, 420; the harbor ordered to be garrisoned by the king's troops, 438; the voters of, desire redress from the wrongs imposed upon them by the governor, under royal instruction, 450; action of town meeting over the news of the provision of Parliament for the salaries of the judges,



- 454, 455; the consideration of the tea question in, 470; action of the citizens of, concerning the landing of the tea, 474; the cargo of tea thrown overboard at, 476; the ruin caused in, by the Port Bill, 531; British troops sent to Boston, 533; receives the sympathy of other colonies in her distress, 536; extract from a letter on the state of affairs in, 557, *n.*; arrival of militia from Connecticut and New Hampshire, 564; the British troops in, surrounded by provincial militia, 563.
- "Boston Gazette,"* a newspaper, IV. 305, *n.*, 409, *n.*, V. 319, *n.*
- Boston*, Harbor of, I. 10.
- Boston*, Lincolnshire, England, some account of, I. 367.
- Boston Massacre*, the preludes to, V. 416, 417; the victims of the, 418; the anniversary of the day commemorated, 423, 423, *n.*
- "Boston News Letter,"* a weekly newspaper, IV. 303, 304, *n.*, 341, *n.*
- Boston Port Bill*, the, mentioned, V. 242; the, proposed by Lord North, 523; received the royal assent, 525; action of the General Court on the, 523, 500; resolves of the committee appointed to consider the, 530; takes effect in Boston, 531; the general state of things in Massachusetts caused by the, 533, *n.*; extracts from a sermon, &c., on the effect of, in Boston, 538, *n.*; a congress held at Philadelphia to consider the, 587.
- "Boston Post Boy,"* quoted on the surrender of Louisburg, V. 77, *n.*
- "Boston Tea Party,"* the, V. 475.
- Botany* of New England, I. 15.
- Botolph*, Saint, church of, I. 368.
- Bougainville*, d', in charge of French troops at Montreal, V. 169.
- Boundary question* between Massachusetts and Plymouth, I. 596; between Massachusetts and Connecticut, III. 119.
- Bourne*, Richard, his labors among the Indians, II. 341.
- Bowdoin*, James, letter purporting to be written by, accusing Governor Belcher, V. 47; a writer of verses, 218, *n.*, 356, 538, *n.*; rejected as councillor by Bernard, 401; a graduate of Harvard College, 405, *n.*; elected into the House of Representatives, 436, *n.*; as compared with Hutchinson, 489.
- Bowers*, Mr., member of House of Representatives, V. 456.
- Bowne*, Nicholas, mentioned, IV. 304, *n.*
- Boyle*, Henry, succeeds Harley as Secretary of State, IV. 279, *n.*; mentioned, 384, *n.*
- Boyle*, Robert, president of the Society for Propagating the Gospel among the Indians, II. 446; condemns the politics of Massachusetts, 608.
- Boylston*, Dr. Zabdiel, introduces inoculation for small-pox, IV. 414, *n.*
- Brackenridge*, James, petition of, to secure jurisdiction over his land in Bennington, Vt., V. 499.
- Braddock*, General, meets the colonial governors in council at Alexandria, V. 130; defeated in Virginia, 133; succeeded as commander-in-chief by Shirley, 143.
- Bradford*, John, nominated as councillor, IV. 254; rejected as councillor by Dudley, *ib.*
- Bradford*, Governor William, born at Austerfield, I. 183, *n.*; recovery and publication of his *"History of Plymouth Plantation,"* 136, *n.*; the history cited, 135, *n.*, 137, *n.*, 139, *n.*, 141, *n.*, 143, 164, *n.*, 174, *n.*, 188, 199, *n.*, 216, 218, *n.*, 219, *n.*, 226, 228, 229, 329, 331, 334, 335, 337, 338, 541, 542, 543, 598; his account of the emigration of the Scrooby congregation to Holland, 188; of William Brewster, 141, 598, 599; of John Robinson, 143; of the embarkation from Delft-Haven, 158; chosen governor of the Plymouth Colony, 181; re-elected a fourth time, 215; remonstrates against the encroachments of the Dutch, 287; visits Salem, 296; excused from the office of governor, 341; surrenders the Plymouth patent to the freemen, 597; inventory of his table furniture, II. 64; death of, 405; some account of, *ib.*
- Bradford*, Major William, commander of forces sent against Philip, III. 155; wounded at the Narragansett fort, 177.
- Bradish*, captain of the pirate ship *"Adventure"* at Long Island, IV. 179.
- Bradstreet*, Dudley, son of Simon, committed to prison, III. 829; chief magistrate, IV. 26; accused of witchcraft, 110; his character as a judge in the witchcraft cause, 121.
- Bradstreet*, Col. John, forces the surrender of Fort Frontenac, V. 162.
- Bradstreet*, Simon, assistant of the Company of Massachusetts Bay, I. 303; agent to England, 521; sent to Dover, 591; elected a commissioner for Massachusetts, II. 156; his long public service, III. vi.; elected governor, 329; his character and history, *ib.*; replies to the king's letter, 334; his statement concerning slaves in Massachusetts, *ib.*; a leader of the Moderate party, 362, his letter concerning Mason's claim to New Hampshire, 378; re-elected governor, 388; president of the provisional government of Massachusetts, 587; to continue governor of the government, IV. 63; retirement

- from office, 91; death of, 165; inscription over his grave, 166, *n*.
- Braintree*, settlement of, I. 357.
- Branford*, settled, II. 232; *Branford*, IV. 371.
- Brant*, a Mohawk chief, V. 139.
- Brattle*, Thomas, extract from a letter by, IV. 131, *n*.; member of the Corporation of Harvard College, 193, *n*., 317.
- Brattle*, William, rejected as councillor by Bernard, V. 401.
- Brattle Street Church*, establishment of, IV. 189; its manifesto, 190; the manifesto attacked by Rev. Increase Mather, 191, *n*.
- Breda*, peace of, II. 441, 630; Nova Scotia lost to England by, *ib*.
- Breedon*, Capt. Thomas, his report concerning the regicides, II. 495; his memorial in the state paper office, 497; fined for insolence and contempt, 530; testifies to the rebellious conduct of Massachusetts, III. 319, *n*.
- Brenton*, Jahleel, collector of customs in Boston, IV. 148; quarrel with Governor Phips, 148; agent in England for Rhode Island, 243; mentioned, 473; makes a present to Yale College, 478.
- Brenton*, William, elder at Aquetnet, I. 513; deputy-governor of Rhode Island, 569, 571, 606.
- Brereton*, John, his "Relation of Gosnold's Voyage" quoted, I. 20, 70, *n*., 71, *n*.; lands on Cape Cod with Gosnold, *ib*.
- Brereton*, Sir William, captures Chester, II. 98.
- Brewster*, William, a principal member of the Scrooby congregation, I. 134; his early life, 135; attends Mr. Davison to the Low Countries, *ib*.; retires to Scrooby, 136; imprisoned in Boston, 138; released and follows the Scrooby congregation to Amsterdam, 139; chosen elder, 140; Bradford's account of, 141; suspicions of, entertained by Sir Dudley Carleton and others, *ib*.; his occupation as a printer, *ib*.; the spiritual guide of the Plymouth colonists, 231; his death and character, 598; his library, 599, *n*., II. 45; his style of dress, 65.
- Bridge*, Rev. —, assistant rector at King's Chapel, IV. 189.
- Bridger*, John, sent to inspect the productions of New England, IV. 396; his accounts of the products of New England, 399; charges made against, 400; his removal from office, 401; quoted, 412.
- Bridgman*, Sir Orlando, made lord keeper, III. 6; projects a scheme for religious comprehension, 7; resigns the office of lord keeper, 14.
- Brigham*, William, "Compact," &c., cited, I. 546, II. vii, 8, 15, 22, 84; centennial address at Grafton cited, III. 174, 200, *n*.
- Bristol*, taken by King Charles, I. 578.
- Bristol*, R. I., IV. 586.
- British troops*, attack of, at Concord, Lexington, &c., V. 563; reach Charlestown after the battles of Lexington and Concord, 564; surrounded in Boston by provincial militia, *ib*.
- Bromfield*, Edward, nominated as councillor, IV. 254.
- Bromley*, William, succeeds Lord Dartmouth as secretary of state, IV. 279, *n*., 460, *n*.
- Brooke*, Robert, Lord, proposes to remove to New England, I. 390, *n*.; one of the patentees of Connecticut, 450; Lord Clarendon's account of, 587.
- Brooker*, William, established the "Boston Gazette," IV. 409, *n*.
- Brookfield*, its solitary situation, III. 158; attacked by the Indians, 160; and relieved by Major Willard, 161.
- Brooks*, Captain, commands a boat attack upon Lewisburg, V. 72.
- Brown*, John Carter, I. xi.
- Brown*, Robert, opposes the discipline and ceremonies of the Church, I. 123; his subsequent career, *ib*.; his writings, II. 82.
- Browne*, John, displeases Massachusetts by his conduct as commissioner from Plymouth, II. 312.
- Browne*, John and Samuel, expelled from Salem, I. 298, 500; relations of, to the Massachusetts Bay colony, 309; their expulsion compared with the banishment of Roger Williams, 413.
- Brownists*, I. 123; their number in England, 125; their scheme of church administration, II. 82; how they differed from the Independents, 83.
- Brunswick* (Pejepscot), annexation of, to Massachusetts, I. 503.
- Brunswick*, Indian invasions into, V. 112.
- Bryant*, poet, V. 139, *n*.
- Buckingham*, George Villiers, duke of. See *Villiers*.
- Buckingham*, Thomas, chaplain, mentioned, IV. 362, *n*.
- Bulkeley*, Gershom, one of the authors of the "Will and Doom," III. 544, *n*., IV. 366, *n*.
- Bulkely*, Peter, agent to England from Massachusetts, III. 203.
- Bull*, Captain, commands the garrison at Saybrook, III. 129; sent for the protection of Albany, IV. 46, *n*.
- Bull*, Henry, Quaker, governor of Rhode Island, IV. 235.
- Bull*, Jeremiah, his house burned by the Indians, III. 175.
- Bullivant*, counsellor, quoted, IV. 48, *n*.
- Bunker Hill*, the battle of, fought, V. 563.
- Bunyan*, John, his popularity in New England, III. 487; his "Pilgrim's

- Progress* reprinted in America, V. 218, *n*.
- Burdet*, George, Laud's spy at Dover, I. 517; his letter to Laud, 518; his controversy with Massachusetts, *ib.*; withdraws to Agamenticus, 519; arrested by Gorges, and leaves the country, 527.
- Burgess*, —, appointed governor of Massachusetts, IV. 340; declines the appointment of governor, 386; mentioned, 458.
- Burgesses*, House of, in Virginia, I. 378.
- Burials* of the Indians, I. 31.
- Burke*, Edmund, his account of the origin of the Massachusetts Bay Company, I. 308; his opinion of the Council for Foreign Plantations, III. 38; quoted, IV. 17; letter discussing terms of peace with France, V. 223, 247, *n.*; favors the reception of the petition for the repeal of the Stamp Act, 331; secretary to Lord Rockingham, 353; as a member of the ministry, 363; quoted concerning Pitt's ministry, 864, *n.*; on "American Taxation" cited, 372, *n.*, 527; quoted on the rights of Englishmen, &c., 424, *n.*; quoted on the consistency of England to the colonies, 522; opposes the Boston Port Bill, 524; quoted on "punishing Boston," 547; debate in Parliament, 550, 553.
- Burke*, William, favors the reception of the petition for the repeal of the Stamp Act, V. 331.
- Burleigh*, Lord, views of, towards the Nonconformists, I. 119; his discontent with Whitgift, 122.
- Burnet*, Gilbert, made bishop of Salisbury, IV. 8, 497; his friendliness to Mather, 71.
- Burnet*, Gov. William, mentioned, IV. 380; 384, *n.*, 498, *n.*, 579; transferred from the administration of New York to Massachusetts, 497; a memorial to the king in behalf of his children, 497, *n.*; the question of his salary, 498; his qualities and characteristics, *ib.*; his instructions concerning the currency question, 498, *n.*; his speech to the General Court, 500; his royal instruction concerning a salary, 501; the Court make a grant to him, 502, 510; refuses the grants of money, 503, 511; continuance of the dispute with the Court in regard to a salary, 503-512; writes to the Duke of Newcastle concerning his dispute with the House, 511; his device for exacting the salary, *ib.*; removes the Court from Boston to Salem, 512; presents the conduct of the Assembly to the Board of Trade, 513; his defence of the removal to the Court, 514; prorogation of the Court by, 518; his conduct sustained by the Board of Trade, 519; renewal of the dispute in a new session, 520; embarrassed for his means of living, 520; dissolves the Court, 522; withholds his approval from an issue of bills of credit, 524; communicates to the House the decision of the Privy Council, 525; adjourns the Court to Cambridge, 526; death of, 526; message to the Court, 527, *n.*; a grant made to his children by the General Court, 529; hearing of the Board of Trade on the charges of the Province against him, 538, *n.*
- Burnet*, Thomas, acts as counsel for Governor Burnet against the General Court of Massachusetts, IV. 519.
- Burrill*, John, Lynn, member of the Council, IV. 408.
- Burrough*, Edward, procures a *mandamus* in favor of the Quakers in Massachusetts, II. 519.
- Burroughs*, Rev. George, accused of witchcraft, IV. 105; execution of, 108; allowance made by General Court to the family of, 117.
- Burslem*, Mr., at Winnisimmet, I. 233.
- Burton*, Rev. Henry, punished by the Star-Chamber Court, I. 564.
- Burton*, Thomas, signs the "Remonstrance and Humble Petition," II. 168; mentioned, V. 165, *n.*
- Bute*, Lord, opposition to Pitt, V. 247.
- Bulter*, James, Duke of Ormond, lord lieutenant of Ireland, II. 273; his character, III. 470; removed from office, *ib.*
- Butler's* "Hudibras" mentioned, IV. 384, *n.*
- Byfield*, Nathaniel, speaker of the deputies to General Court, IV. 143, *n.*; left off the Board of Councillors, 254; appointed judge of admiralty, 255, *n.*; rejected as councillor by Dudley, 340; biographical note of, 340, *n.*; his action concerning a French prize, 354; his scheme for a private bank, 335, *n.*; rejected as councillor by Shute, 409; accused of machinations against the government, 409, *n.*
- Bygon*, —, intendant-general of Canada, IV. 421.

## C.

- Cabal*, in Essex County, II. 157.
- Cabal* ministry, the, II. 632, III. 10; dissolution of, 21.
- Cabal* of Presbyterians in Massachusetts, II. 166.
- Cabot*, John, his first voyage of exploration, I. 60; touches on the coast of Labrador, 61; has a glimpse of New England, 62; authorized to make a second voyage, *ib.*; his discovery the basis of the English claim to North American territory, 63, *n.*, 77.

- Cabot*, Sebastian, I. 60; sails on a voyage of discovery, 61; supposed to have made a second voyage to America, 62; and possibly a third, 63.
- Caernarvon*, Earl of, his speech upon the proceedings against Lord Danby, III. 250, n.
- Calamy*, Edmund, English divine, IV. 5.
- Caldwell*, James, killed in the Boston massacre, V. 418.
- Calef*, Robert, his investigation of witchcraft, IV. 114, n.; author of protest against witchcraft, 131, n.
- Callender*, John, Baptist minister in Newport, his "Historical Discourse," &c., IV. 591.
- Callieres*, M. de, governor of Canada, IV. 37; his plan for the capture of Albany and New York, *ib.*; endeavors to make peace with the Five Nations, 42.
- Calvin*, John, Presbyterian church polity of, II. 71, 72; revives the Augustinian doctrine, *ib.*
- Cambridge* (Newtown), settlement of, I. 324; ordered to be called Cambridge, 549; the British troops land at. on their way to Concord, V. 563.
- Cambridge Platform*, II. 183.
- Cambridge*, University of, in England, its privileges invaded by James the Second, III. 460.
- Camden*, Lord (Chief-Justice Pratt), his opinion on the right of taxation, V. 853.
- Camden*, Lord Chancellor, mentioned, V. 377, 552, 553.
- Campbell*, Duncan, appointed a deputy-postmaster in Boston, IV. 329; quoted concerning his postal service, 330, n.
- Campbell*, John, proprietor of the "News Letter," IV. 304, n.
- Canaan*, Conn., settled, IV. 576, n.
- Canada*, derivation of the name, I. 1; government of, IV. 36; population and condition of, *ib.*; interest of Cardinal Richelieu in the government of, 37; M. de Nonville succeeds to the government of, 40; plan of the expedition against, 49, 50; population of, 423, n.; capitulation of, to the English, V. 171.
- Canning*, George, mentioned, IV. 246, n.
- Canonchet*, sachem of the Narragansetts, breaks his treaty with the English, III. 172; defeats a company under Captain Pierce, 189; taken prisoner and put to death, 192.
- Canonicus*, chief of the Narragansetts, his disposition towards the colonists, II. 112; cedes the Narragansett territory to the king, 136; receives with indignity an embassy from Massachusetts, 138; concludes a truce with the Federal commissioners, 139.
- Canons*, Book of, 1604, I. 182.
- Canseau*, attacked by French and fort burned, V. 59.
- Canterbury*, Conn., IV. 474, n.
- Cap Blanc*, I. 78.
- Cap Fortune*, I. 78.
- Cape Ann*, Lord Sheffield's patent for, I. 222; settlement at, by the Dorchester Company, 285.
- Cape Cod*, influence of, on the climate of New England, I. 12; discovered by Bartholomew Gosnold, 71; visited by De Monts, 78; by De Poutrincourt, *ib.*; by Henry Hudson, 85; by Dummer, 99; arrival of the Plymouth colonists at, 164; name equivocal, 99, n.; geographical description of, 164.
- Cape Diamond*, IV. 54; fort at Quebec, 144.
- Cape Porpoise* (Kennebunk Port), attacked by Indians, IV. 260.
- Cape Small Point*, attempted settlement on, I. 83, n.
- Capital crimes* in Plymouth, II. 20; in England, 27, n.; in Massachusetts, 29, 31; in Connecticut, 81, III. 59.
- Captain Tom*, a praying Indian, hanged as a deserter, III. 220.
- Carew*, Thomas, his "*Cælum Britannicum*," I. 382.
- Carey*, Archibald, member of Virginia committee, V. 461.
- Carleton*, Sir Dudley, his suspicions of Brewster, I. 141; is made Lord Dorchester, 392.
- Carr*, lieutenant-colonel of the regiment quartered in Boston, V. 417.
- Carr*, Caleb, governor of Rhode Island, IV. 236.
- Carr*, Dabney, member of Virginia committee, V. 461.
- Carr*, Patrick, wounded in the Boston massacre, V. 418.
- Carr*, Sir Robert, one of the royal commissioners in 1664, II. 578, 580; reduces the Dutch posts on the Delaware river, 592; his letter to Eliot, 604; his conduct while in New Hampshire, 619; projects a new colony in New England, 623, n.; his death, *ib.*; characteristic adventure of, *ib.*, n.
- Carr Mountain*, location and height of, I. 6.
- Carteret*, Lord (Earl Granville), mentioned, IV. 460, n.; secretary of state for the colonies, 487; advice to Dummer concerning the colonies' obedience to the king's commands, 509.
- Cartier*, Jacques, sails up the St. Lawrence in 1535, I. 65; explorer in America, V. 171.
- Cartwright*, Col. George, one of the royal commissioners to New England in 1664, II. 578, 580; captures Fort Orange, 592; his return to England, 624; his opinion of the Rhode Island people, III. 100.

- Cartwright*, Thomas, his tract against episcopacy and royal supremacy, I. 119; his relations to presbytery in England, II. 74; is imprisoned in the Fleet, 76; his visit to Geneva, 78.
- Carver*, John, sent to England by the Leyden congregation, I. 150; governor of the Plymouth colony, 167; re-elected governor, 179; his death, 180; remarks upon, 181.
- Cary*, Captain, sent to England to procure arms, IV. 266, n.
- Caryl*, Joseph, mentioned, IV. 386.
- "*Case of the Governor and Council of Massachusetts Bay*," the printing of, investigated, IV. 839, n.
- Casno*, Isaac, Boston, allowed to run stage-coaches, IV. 585.
- Castine*, a French settler among the Penobscots, dispossessed by Governor Andros, III. 558.
- Castine*, Baron de, mentioned, IV. 257; commands a surrender of Fort Pemaquid, 154.
- Castle Island*, fortifications on, I. 394, 395; the royal colors to be displayed at, 431, 440, 441; rebuilt and garrisoned, II. 51; as described by Randolph, III. 298; seized by the people of Boston, 581.
- Castle William*, fort at Boston, IV. 144; the stamped papers deposited at, V. 323, 338.
- Catawba* tribe of Indians, I. 23.
- Catechism* to be made for the religious instruction of youth, II. 46.
- Catholics* accused of a conspiracy by Titus Oates, III. 242; banished by proclamation from London, 246; disarmed and imprisoned, 249; excluded from public employments, *ib.*
- Calkins*, Miss, IV. 489.
- Cautionary towns* surrendered to the Dutch, I. 253.
- Cavendish*, Sir Harry, mentioned, V. 528, n.
- Censors* of the press appointed in Massachusetts, II. 530; the office assumed by Randolph, III. 519, n.
- "*Centurion*," man-of-war, IV. 245.
- Chalmers*, George, "*Political Annals*" cited, I. 307, 633; III. 516, 570, n., 579, n.; quoted, IV. 873, n., 466, n.
- Chamberlain*, Richard, secretary to the provincial government of New Hampshire, III. 406; his complaints to the lords of the committee, *ib.*, n.
- Champante*, John, agent for Massachusetts, IV. 202, n.
- Champernoon*, Francis, a nephew of Sir Ferdinando Gorges, I. 79, n.
- Champlain*, Samuel de, sails as pilot with De Monts, I. 77; French explorer in America, V. 171.
- Champlain*, Lake, valley of, I. 1; height of the surface of, above the ocean, 2.
- Chapeau Rouge*, Bay of, Gabarus Bay, V. 60.
- "*Charity*," the, arrives at Plymouth, I. 199.
- Charles*, Earl of Manchester, secretary of state, IV. 200, n.
- Charles* the First, his accession, I. 264; makes war upon France, 267; his expedients for a revenue, 268; his perplexities, 270; his disuse of Parliaments for eleven years, 278; commits to prison several members of Parliament, *ib.*; his address to Parliament, 274; his literary taste, 276; his plan of a general governor for New England, 401; his despotism, 560; declares the charter of London forfeit, *ib.*; exacts ship-money, 561; insurrection against him in Scotland, 565, 567; advances into Scotland with an army, 568; beaten by the Scots at Newburn, 571; convokes a council of peers, *ib.*; the Long Parliament, *ib.*; goes to Scotland, 573; attempts to arrest members of the House of Commons, 575; withdraws to Hampton Court, 576; sets up his standard at Nottingham, *ib.*; his forces defeated at Marston Moor, II. 70; surrender of York, and capture of Newcastle, *ib.*; successes of, in the South, *ib.*; negotiates with the Parliament at Uxbridge, 93; is defeated at Naseby, 99; capture of his private letters, *ib.*; his retreat to Oxford, 100; flight to the Scottish army, 103; surrendered to Parliament, 104; carried to the army, 105; escapes to the Isle of Wight, 107; his treaty with the Scottish commissioners, *ib.*; negotiation with Parliament, 108; the army demands that he be brought to justice, 109; imprisoned in Hurst Castle, *ib.*; brought to Windsor, 110; tried, condemned, and beheaded, 111.
- Charles* the Second, proclaimed king by the Scots, II. 275; coronation of, at Scone, 278; makes an irruption into England, 279; is defeated at Worcester and escapes to the continent, *ib.*; issues the royal declaration, 422; his return to England, and entry into London, 423; makes war upon Holland, 441; receives favorably the address from Massachusetts, 494; proclaimed king in Massachusetts, 517; forbids persecution of the Quakers, 519; acknowledged king by Plymouth, 532; and proclaimed by New Haven, 535; by Connecticut, 536; by Rhode Island, 559; appoints commissioners to New England, 574; his letter to Massachusetts, 582; effect of Clarendon's retirement upon, III. 4; quarrel with France, 5; remarks upon the character of, 9; enters into a treaty with Louis XIV., 12; his duplicity towards Par-



- liament, 13; proclaims a declaration of indulgence, 14; withdraws the declaration of indulgence, 18; distrusted by his Parliament, 27; opposes the proceedings against the Duke of York's succession, 253; offers concessions to Parliament, 254; enters into a treaty with Louis XIV. for a subsidy, *ib.*; peremptorily dissolves the Parliament, 258; prosecutes the leading reformers, *ib.*; his death, 271; his reconciliation to the Church of Rome, *ib.*; letter from, to Massachusetts, 333; a second letter from, 341; peremptory letter from, 350; duplicity of his conduct respecting the buccaneers, 425.
- Charles River*, visited by the Plymouth colonists, I. 186.
- Charleston*, the reception of the cargo of tea in, V. 473.
- Charlestown*, preparations for a settlement at, I. 289; Court of Assistants at, 317, 320; epidemic sickness at, 321; town government at, 381; description of, in "Wonder-working Providence," II. 271.
- Charlestown*, N. H., Indian invasions at, V. 184.
- Charlevoix*, "Histoire de la Nouvelle France" cited, I. 77, II. 306, III. 563, *n.*; quoted, IV. 284, *n.*
- Charlevoix*, Father, his account of the attack on Norridgewock, IV. 439.
- Charter of Connecticut*, II. 540; surrendered, IV. 5.
- Charter of the Governor and Company of the Massachusetts Bay*, I. 290; its powers, 291; its transfer to New England, 301; right of the Company to transfer the, 303; revocation of the, 391, 504; Winthrop's reply to the recall of the, 557; duplicate to be kept by the governor, III. 329, *n.*; *quo warranto* against the, 376; decree vacating the, 390; vacated by power of English court, IV. 5; endeavors of Mather to secure, 60, 61; prospect for renewal of the, 64; obstacles to, created by Randolph, 64, 65; action of Andros and his party against the restoration of the, 68; memoirs of Randolph prejudicial to, 69; the agents implore the king's royal favor for, 70; Mather obtains the favor of the queen, 71; the Board of Trade order a draft for a new, 72; action of the malecontents, 72; the provisions of, unsatisfactory, 73; action of the agents concerning, 74; the king approves of it, 74; grant of the new, 75; Mather secures some amendments, 75; provisions of the, concerning State officers, 76; concerning General Court, 77; tenure of judicial office, 77, *n.*; Navigation Laws, 79; religion, 78; franchise, 80; Legislature, 81; unsatisfactory portions of, 80; reluctant acceptance of it, 82; royal appointments under it, 85; threatened by the Lords of Trade, 200; abrogated by Parliament, V. 585.
- Charters*, bill for the proposed restoration of, IV. 16; bill passed by House of Commons for the better regulation of, 369; attempts to vacate them, 486, 487.
- Charter Oak*, III. 542.
- Chatham*, Lord, "Correspondence" cited, V. 354, *n.*; mentioned, 377; retired from the ministry, 396; assails the Grafton ministry, 423; returns to his seat in the House, 424; expresses his partiality to America, 424; quoted on hearing that the ministers have declared war against Boston, V. 438, *n.*; speech in Parliament against stationing the king's troops in America, V. 527; in a speech to Parliament urges conciliatory measures towards Massachusetts, 548; presents a bill for "settling the troubles of America," &c., 550.
- Chaucer*, the friend of Wickliffe, I. 106.
- Chaudière*, River, source and direction of, I. 7, 9.
- Chauncy*, Rev. Charles, minister at Plymouth, I. 545; President of Harvard College, II. 398; Boston, mentioned, V. 4; quoted, 5, *n.*; "Seasonable Thoughts," &c., cited, 19, *n.*; quoted, 32, *n.*; his opinion of the religious revivals, 39; his "Wonderful Narrative," cited, 39, *n.*; extract from sermon preached on the surrender of Louisburg, 76.
- Chauncy*, Nathaniel, Durham, Conn., V. 5, *n.*
- Cheever*, Ezekiel, first schoolmaster in New Haven Colony, II. 47.
- Chelmsford*, attacked by the Indians, III. 187; mentioned, IV. 80.
- Cherokee*, Tribe of Indians, I. 23.
- Chesebrough*, William, settles at Stonington, II. 383.
- Chester*, N. H., IV. 402; Indian depredations at, 487.
- Chicago*, Historical Society, journal of Major Livingstone, in the possession of, IV. 278, *n.*
- Chickasaw* Indians, I. 23.
- Chickatabot*, sachem of the Massachusetts, visits Governor Winthrop, I. 328; fined by the Court of Assistants, 351.
- Child*, Sir Josiah, his "New Discourse of Trade," cited, III. 276, *n.*, 278; advocates the enforcement of the Navigation Laws upon New England, III. 277; his opinion of the respective founders of Massachusetts and Virginia, 278.
- Child*, Robert, signs a memorial against

- the proceedings of the Massachusetts government, II. 163; appeals to the home government, 174; fined for seditious practices, 175; his papers seized, and he again fined, 177; goes to England to oppose Winslow, 178; ill success of the appeal in England, 179.
- Chili*, colonized by Spain, I. 66.
- Chilingworth*, author, IV. 384, *n*.
- Choctaw* Indians, I. 23.
- Christ Church*, Cambridge, V. 220.
- "*Christian Commonwealth, The*," published by Eliot, II. 510; suppressed, 512.
- "*Christian History*," the, a weekly paper published by Rev. Mr. Prince, V. 5, *n*.
- Christison* Wenlock, a Quaker, sentenced to death, II. 481.
- Christmas* at Plymouth, 1620, I. 173.
- Chronological* cycles of New England, III. viii.
- Chubb*, Captain, makes an attack on a party of Indians, IV. 153; capitulates at Fort Pemaquid, 154; tried for cowardice, *ib.*; put to death by Indians, 158.
- Church*, Dr., a writer of verses, V. 218, *n*.
- Church*, definition and government of a, in New England, II. 36.
- Church*, Benjamin, takes an active part in the Indian war, III. 156; opposes the burning of the wigwams of the Narragansett fort, 173, *n*.; his reminiscences of the attack on the fort, *ib.*; account of, *ib.*, *n*.; takes the field for a third time, 198; closely pursues and kills King Philip, 204; captures a party of Indians under one of Philip's sachems, 206; commands an expedition to the Kennebec region, IV. 35; sent on an expedition into Maine, 52; his reception in Boston, *ib.*; in search of Indians on the Penobscot, 144; commands an expedition to the Penobscot, 155; commands an expedition to the eastern country, 269; desires to attack Port Royal, 270; his expedition ineffective, *ib.*; mentioned, 360, V. 415, *n*.; provided with a gratuity, 386; death of, 386, *n*.
- Church*, Thomas, his "Entertaining Passages," &c., quoted, III. 155, 156, *n*., 157, *n*., 159, 179, *n*., 181, *n*., 198, *n*., 204, *n*., 205, 206, 223.
- Church* of England, scheme to legalize it in Massachusetts, III. 324; a meeting-house in Boston to be seized for the use of the, 395; encroachments on the, by James II., 459; provision by the Privy Council for setting up the worship of the, in New England, 484; sentiments of King William the Third towards the, IV. 7; conduct of, towards its dissenters, *ib.*; grievance of the members of, in Boston, 66; established in Connecticut, 476; gains in number after the religious excitement caused by Whitefield, &c., V. 31; disapproved of the revival preachers, 41.
- Churches*, formation of, I. 432; organization of, II. 36; mutual relation of, 39.
- Claim of Right, The*, concerning episcopacy in Scotland, IV. 8.
- Clap*, Roger, memoirs of, cited, I. 325.
- Clap*, Thomas, rector of Yale College, IV. 580; V. 197; resignation from Yale College, 303; vacates his place, 521, *n*.
- Clarendon*, Lord, mentioned, IV. 5, 384, *n*., 586.
- Clark versus* Tousey, the case of, IV. 578, *n*.
- Clark*, John, arrest of at Salem for assisting the Shakers, IV. 97, *n*.
- Clark*, John, rejected as councillor by Shute, 409.
- Clark's* Island, landing on, I. 171; appropriated to the support of the poor in Plymouth, III. 554; given to Nathaniel Clarke by Andros, *ib.*
- Clarke*, Capt. Daniel, takes the attorney's oath, IV. 232, *n*.
- Clarke*, Jeremy, chosen "president regent" of Providence Plantations, II. 221.
- Clarke*, John, of Aquetnet, I. 511; his "Ill newes from New England" cited, *ib.*, *n*.; his dispute with Coddington, II. 346; a leader of the Baptists, *ib.*; opposes Coddington's commission, 349; makes a visit to Massachusetts, 350; arrested at Lynn, 351; fined for misdemeanors, 352; goes to England with Roger Williams, 354; opposes Winthrop's designs, as agent for Rhode Island, 560; applies for a charter, 562; makes an agreement with Winthrop, 563; his return from England, and obsequiousness to the royal commissioners, 602; demand against the colony, and imposition of a tax, III. 101; death of, and remarks upon, 232.
- Clarke*, S., author, IV. 384, *n*.
- Clarke*, Walter, governor of Rhode Island, III. 106; governor of Rhode Island under the charter, IV. 235, 236.
- Cleaves*, George, is appointed by Rigby to manage the territory known as Lygonia, or the Plough Patent, I. 595; his difficulty with Richard Vines, the agent of Sir Ferdinando Gorges, *ib.*; goes to England, II. 384.
- Clergy*, married in England, in the reign of Henry I., I. 102, *n*.; of Massachusetts, 384; invited to a consultation at Boston, 394.
- Clerical* costume, question of, I. 112.
- Clifford*, Lord, made Lord Treasurer, III. 10; Evelyn's account of the advancement of, 11; displaced from office by the Test Act, 20.



- Clifton*, Richard, rector of Babworth, I. 134; pastor of the congregation at Scrooby, 134; removes to Holland, 139; his death at Amsterdam, 140.
- Climate* of New England, variableness of the, I. 10; remarks on, by John C. Gray, quoted, 11.
- Clinton*, Governor, his campaign against Crown Point mentioned, V. 195.
- Cloyse*, Sarah, accused of witchcraft, IV. 104.
- Cobham*, Henry Brooke, Lord, his heresy and death, I. 107.
- Cochecho*, settlement of Hilton on the, I. 205; George Burdet at, 517. See *Dover*.
- Coddington*, William, builds the first good house at Boston, I. 328; elected an assistant, 355; elected treasurer, 374; a partisan of Mrs. Ann Hutchinson, 474; chosen judge at Aquetnet, 511; establishes a settlement at Newport, 514; chosen governor at Newport, 515; re-elected governor from year to year, 606; description and view of his house at Newport, II. 61; opposed by Gorton, 119; desires a union of Rhode Island with Plymouth or Massachusetts, 152, *n.*; elected assistant for Newport, 220; chosen president of the Providence Colony, 221; applies for the admission of Rhode Island into the Confederacy, 223; his voyage to England, 344; commissioned governor of Rhode Island and Canonicut, *ib.*; opposed by the Baptists, 349; averse to a union with Providence and Warwick, 355; revocation of his commission, 356; declines to surrender his office, 359; suspected of criminal dealings with the Indians, 365; arraigned for high treason, *ib.*; copy of the instrument by which his "commission" was revoked, 557, *n.*; joins the Quakers, III. 105; re-elected governor of Rhode Island, *ib.*; defends the Quakers against Williams, *ib.*; death of, 444.
- Coddington*, William, the younger, thrice elected governor of Rhode Island, III. 504.
- Coffin*, Ebenezer, accused of illicit trading, IV. 300.
- Coggeshall*, John, disfranchised, I. 485; chosen elder at Aquetnet, 513; elected president of Providence Plantations, II. 219; deputy-governor of Rhode Island, IV. 235.
- Coinage* of money in Massachusetts, II. 403, 525.
- Coins*, representation of Massachusetts, II. 404, 405.
- Coke*, Sir Edward, reports against the action of the Council for New England, I. 209; denounces the independent jurisdiction of the ecclesiastical courts, 250; a popular leader, 258; imprisonment of, 260; his relations with Roger Williams, 405.
- Colbert*, and Louvois, supervisors of the government of Canada, IV. 37.
- Colchester*, Conn., IV. 474, *n.*
- Cold Harbor*, so called by the Plymouth colonists, I. 168.
- Colebrook*, Conn., settled, IV. 576, *n.*
- Coleman*, a servant of the Duke of York, his connection with the Popish Plot, III. 243; convicted and executed, 245.
- Collections* of Historical Society, V. 200, *n.*
- College*, institution of a, in Massachusetts, I. 548.
- Collier*, William, Federal commissioner for Plymouth, II. 112.
- Collins*, a schoolmaster at Hartford, II. 48.
- Collins*, John, his letter to Governor Leverett, in 1675, III. 22.
- Colman*, Rev. Benjamin, preaches funeral sermon on Dudley, IV. 341, *n.*; extract from a sermon preached before Governor Shute, 403, *n.*; interested in inoculation for small-pox, 414, *n.*; election in Harvard College corporation, 416; promoted the idea of holding a synod in Massachusetts, 456, *n.*; writes to Thomas Burnet on the death of his brother the governor, 527, *n.*; accused of charges against Belcher, 559; invites George Whitefield to visit New England, V. 7; sends account of the preaching of Rev. Jonathan Edwards to England, *ib.*; Whitefield preaches in his meeting-house, 9; his sermon "Souls flying to Jesus" cited, 12; mentioned, 20, 22; his judgment of the religious revival, 38; offered the presidency of Harvard College, 404, *n.*
- Colman*, John, his hearing of Shute and Cooke mentioned, IV. 449.
- Colonial Department*, a, instituted, to take the place of the Board of Trade, V. 375.
- Colonial empire*, the, of England, IV. 17.
- Colve*, Anthony, Dutch governor of New Amsterdam, his answer to a letter from Connecticut, III. 123.
- Commencement* at Harvard College, 1642, II. 48.
- Commerce*, early of New England, II. 56; of Massachusetts, as reported by Randolph, III. 300; of Boston in 1688, 566, *n.*
- Commission*, special, created for the government of the colonies, I. 391, 394, 504, 633.
- Commissioners*, meeting of, to consult over the invasions made by Frontenac, IV. 49; they plan the expedition against Quebec, *ib.*
- Commissioners* of the customs, their opinion on the Acts of Trade and Naviga-

- tion in relation to New England, III. 280.
- Commissioners* to New England, appointed by Charles II., II. 574; their arrival at Boston, 578; their commission and instructions, 583; their meeting at Boston, 597; at Plymouth, 600; in the Narragansett country, 603; in Rhode Island, 605; in Massachusetts, 606; their controversy with the General Court, 610; departure from Boston, 618; proceedings in New Hampshire, 619; in Maine, 622; their report of the condition of New England, III. 37; friendly relations of Plymouth with, 99.
- Commissioners* of the United Colonies, I. 631; first meeting of the, II. 112; lists of the, 635, III. 599.
- Committees* of Correspondence, the institution of, referred to Samuel Adams, V. 277; formed in Virginia, 460; of Massachusetts, 461; the king's disapprobation of, signified to the Court, 476.
- Committee* for Trade and Plantations, IV. 60.
- Common*, Boston, laid out, I. 379.
- Common* lands, seizure of, by Andros, III. 530.
- Common* Schools, institution of, II. 262.
- Compact* signed by the Plymouth colonists, I. 164.
- Comprehension*, measures of, affecting the liturgy of Church of England, proposed and defeated, IV. 9.
- Compton*, Henry, Bishop of London, suspended, III. 456.
- Conant*, Roger, removes from Plymouth, and is made governor of the settlement at Cape Ann, I. 285.
- Concord*, the attack of the British on, V. 563.
- Concord* (Rumford), N. H., incorporated, IV. 462.
- Confederation* of four colonies, I. 623, 626, II. 3; population and prosperity of the, 5; dissension in the, 239; preparations for war with the Dutch, 315; dissent of Massachusetts, 318; new dissensions in the Confederacy, 325; attempt to revive the, III. 71; meeting of the commissioners, 72; objections of Plymouth, *ib.*; proposal of an amended scheme, 74; agreement in relation to it, 75; the amended plan adopted by Connecticut and Plymouth, 77; amendments proposed by Massachusetts, *ib.*; proceedings of the commissioners, 78; meeting of the commissioners in reference to the Indian war, 166; last meeting of the commissioners, 445.
- Conference* at Hampton Court, I. 129; at Boston, 1636, 437.
- Confession* of faith, of the Westminster divines, approved by the synod at Cambridge, II. 183.
- Conflagration*, the, in Boston, 1711, IV. 332. n.
- Congregationalism*, difference between it and Independency, II. 182; the Cambridge Platform, 183.
- Congregational* Church, establishment of a fourth in Boston, IV. 189.
- Congress*, of delegates held at Albany to confirm a peace with the Five Nations, V. 121; name given to a meeting of governors in 1690, 244, n.; of the colonies held at New York to discuss the Stamp Act, 328; New York, decision of, concerning taxation, 333; continental, held at Philadelphia, to consider the Boston Port Bill, etc., 587; resolutions of the committee expressing sympathy, etc., 588; resolutions for non-importation from Great Britain, etc., 539; advise an address to the king begging for the removal of the grievances, 540; sends a letter of remonstrance to General Gage at Boston, *ib.*; resolutions upholding and defending Boston in resisting the Acts of Parliament, *ib.*; resolves of the different committees, etc., 541.
- Congreve*, —, English author, IV. 384, n.
- Connecticut*, situation and extent of, I. 3; municipal system of representation in, 382; scheme of an emigration to, from Massachusetts Bay, 444; settlements in, 450; John Winthrop the younger, made governor of, *ib.*; Vane and Peter associated with him, 451; sufferings of the first settlers of, 452; renewed emigration to, 453; political constitution of, 454; government of the colony for the first year, *ib.*: first General Court in, 455; population of the three towns in, *ib.*; war with the Pequots, 456; desperate condition of the colonists after the Pequot war, 471; frame of government of, in 1639, 535; election of magistrates and early legislation in, 537; separation of Springfield from, 604; accession of Southampton and Saybrook to, 605; treatment of the Indians in, *ib.*; population of, at the time of the Confederation, II. 6; church-membership not a requisite for the franchise, 8; legislature divided into two branches, 9; number of its towns in 1650, 12, n.; in 1643, 13; early courts of justice in, 15; juries and trial by, 19; early laws of, 31; troubles with the Indians, 232; new settlements, *ib.*; legal administration in, 235; attempts to get a patent, 237; imposition of an export duty at Saybrook, 240; written code and Bill of Rights, 375; hostility of, to New Netherland, 377; suffers from Rhode Island privateers, 378; controversy upon religious questions, 488; acknowledgment of Charles II. in, 536; mis-

sion to England, *ib.*; colonial charter granted to, 540; claims the territory of the New Haven Colony, 543; charter received in, and proceedings thereon, 545; peremptory conduct, with reference to New Haven, 549; her claims under the charter not recognized by the Federal commissioners, 551; boundary line between Rhode Island and, 560; accepts the jurisdiction over the lands of the Atherton Company, 571; renewal of trouble with Rhode Island, *ib.*; commission to New Haven Colony to demand its submission, 594; union of New Haven Colony with, 595; General Court of, newly constituted, 596; visited by the royal commissioners in 1665, 604; probable population of, in 1665, III. 85; condition of, as described by the royal commissioners, in 1666, 37; laws of, in 1673, 57; General Court of, how constituted, *ib.*; inferior courts, 58; judicial processes, 59; criminal law and general policy, *ib.*; marriage and inheritances, 61; ecclesiastical system, *ib.*; towns, how constituted, *ib.*; her relations to England, 71; complained of, by Plymouth and Massachusetts, 74; boundary question between Rhode Island and, 109; project for an invasion of New France, 114; ecclesiastical controversy in, 116; settlement of the boundary between Massachusetts and, 119; quarrel with the Dutch, *ib.*; first election sermon, 126; territory of, claimed by Governor Andros for the Duke of York, 128; preparations of, for defence against Andros, *ib.*; prepares for war with the Indians, 162; partial statement of the expenses incurred by, during the Indian war, 215; Randolph's description of, 302; condition of, in 1630, 426; further dispute with Rhode Island over the boundary question, 428; commission to England, 434; military preparations, *ib.*; William Harris, her agent to England, captured by an Algerine corsair, 435; new disturbances with Rhode Island, *ib.*; her representations to the English secretary of state, *ib.*; her pretensions to the Narragansett country sustained, *ib.*; claim of the Duke of Hamilton, 439; boundary question with New York settled by treaty, 440; proclamation of King James II. in, 507; proceedings against the charter of, *ib.*; advised by Randolph to give up the charter, &c., 508; proceedings of the General Court on the reception of the writ of *quo warranto*, 509; probable condition of, on the vacating of the charter, 511; Andros pretends to the government of, 537; meeting of the Court to consider Andros's de-

mands, *ib.*; Andros's visit to, 542; concealment of the charter, *ib.*; is annexed to the government of Andros, 543; last public record of the General Court of, 545; proceedings in, on the deposition of Andros, 596; charter of, surrendered, IV. 5; her condition after the revolution, 219; plan of the board of trade for uniting New York and, 220; Fitz John Winthrop sent to England in the interest of, *ib.*; her share in the war against Indians, 221; sends men for the defence of Leisler in New York, *ib.*; assists in the defeated expedition against Quebec, 222; refuses the right of judicial appeal to England, 224, 225, *n.*; claims the right of controlling her militia, 225; attempt of Fletcher to take command defeated by Captain Wadsworth, 226; her address to the king, 227; the quiet course of her internal administration, 228; the changes made in her Legislature and General Court, *ib.*; concerning franchise in, 229; her taxable property, *ib.*; her happy condition, *ib.*; the salaries of her officers, 230; her judiciary, *ib.*; her churches and schools, 231; her boundaries undetermined, 232; mention of lawyers in, *ib.*; claims Enfield and Suffield within her boundaries, 233; decisions of commissioners concerning her boundaries, *ib.*; applied to for troops by Dudley, 258; settlement of the boundary with Rhode Island, 356; Fitz John Winthrop, governor of, 361; her military operations, 361, 362; issue of bills of credit by, 362; concerning her boundaries, 363; establishment of a general post-office in, *ib.*; her controversy with the Mohegan Indians concerning Mason's land claim, 364; her charter in danger from misrepresentations of Dudley and others, 368; a movement for a new system of church government results in the Saybrook Platform, 369; establishment of Yale College at, 371; internal condition of, in the last year of Queen Anne's reign, 373; prosperity of the colony, 375; population and industry of, in the reign of King George the First, 473; multiplication of towns in, 474, *n.*; the religious rule prevailing at, 475; her share in the Indian war, 481; her issue of bills of credit, 482; the settling of the western boundary line of, 484; the settling of the eastern boundary line of, 485; attempt of Dudley to vacate the charters of, 486; legislative action in, 576 *n.*; rapid growth of towns in, *ib.*; alarm for the charter of, 579; her generosity to Yale College, 580; economy of her administration, 581; her bills of credit, 581, 581, *n.*; the pun-

- ishment of vice in, 582; the manufactories in, 583; the military system in, *ib.*; her immunity from political intrigues, 593; revivals of religion in, caused by preaching of Whitefield and Tennent, V. 26; preaching of James Davenport in, 27; association of ministers held, concerning the disorders arising from itinerant preaching, 28; action of the government to prevent irregular preaching, 29; arrest of James Davenport for irregular preaching in, 30; renders assistance in the attack on Louisburg, 67; population of in 1741, 192, 193, *n.*; appointment of Jonathan Law as governor of, 192; her issue of bills of credit, 193; sends troops to the West Indies for service, against Spain, 193; sends troops to the siege of Louisburg, 194; her law for regulating schools of learning, *ib.*; raises troops for the expedition against Quebec, 195; requests from Massachusetts a retrocession of certain towns, 196; her military proceedings, 200, 201, 202; opposes a Federal constitution for the colonies, 200; replies to a call for troops by Pitt, 202; the population and trade in, at the conclusion of the French war, 301; her share in the war against Spain, *ib.*; Governor Fitch disclaims any illicit trading in, *ib.*; the news of the Sugar Act in, 303; present a memorial to Parliament against the Sugar Act, *ib.*; extract from a treatise, giving reasons why they should not be charged with internal taxes, *ib.*; resistance in, to the Stamp Act, 325; engage with New York to relieve any sufferers from the Stamp Act, 516; Governor Fitch consents to support the Stamp Act and is dismissed from office in, 517; demonstrations in, on the news of the repeal of the Stamp Act, *ib.*; the dispute referred to England, 518; her dispute with Pennsylvania concerning a land grant revived, *ib.*; Jonathan Trumbull made governor of, *ib.*; action in, on the non-importation agreements, 519, 520; the census of in 1773, 520.
- Connecticut River*, course and description of, I. 7, 8; how far navigable, 9; Plymouth factory on the, 339; expeditions to, 369.
- Conventicle Act*, provisions of, II. 437; passed anew, 1670, III. 8.
- Convention* called by the Prince of Orange, III. 477.
- Converse*, Captain, sent to the defence of Wells, IV. 93; makes peace with some of the Eastern Indians, 144; builds a fort on Saco River, 144; a delegate from Massachusetts to conclude a peace with the Eastern Indians, 158.
- Conversion of the Indians*, II. 186, 336.
- Conway*, General, Secretary of State, opposed to the Stamp Act, V. 346; as a member of the ministry, 363; mentioned, 377; in debate in House of Commons, 424, 428.
- Conway*, N. H., IV. 441.
- Cooke*, Elisha, speaker of the Massachusetts House of Deputies, III. 379; sent to England as agent for Massachusetts, IV. 26; biographical sketch of, 26, *n.*; quoted, 42, *n.*; opposes Mather as an agent to England, 204; rejected as councillor by Governor Phips, 253; rejected as councillor by Dudley, 254, 291; received into the Council by Dudley, 340; death of, 340, *n.*; an allowance to the heirs of, 385.
- Cooke*, Elisha (son), makes charges against Bridger, surveyor of woods, IV. 400; excluded from the Council by Shute, *ib.*; opposition of Shute to, 408; chosen as speaker of the House in Massachusetts, *ib.*; publishes his vindication, 409, *n.*; requests a postponement of action on Shute's complaint, 449; on committee concerning Governor Burnet's salary, 506, *n.*; made a judge of the Court of Common Pleas, 540; mentioned, 565, *n.*
- Cooke*, George, a commissioner to Gorton's company at Shawomet, II. 132.
- Cooper*, Dr. Sannuel, pamphlet by, cited, V. 126, *n.*; mentioned, 176, *n.*; a writer of verses, 218, *n.*; as a pulpit orator, 219; chaplain of the House of Representatives, 356, *n.*; a graduate of Harvard College, 405, *n.*
- Cooper*, Rev. William, Boston, V. 7.
- Copley*, artist, mentioned, V. 220.
- Copper mines* at Simsbury, Connecticut, IV. 474.
- Coram*, Captain Thomas, interested in Mason's land claim in Connecticut, IV. 365, *n.*; his scheme for the settlement of Nova Scotia, etc., 567, 567, *n.*
- Corbet*, Abraham, excites disaffection in New Hampshire, II. 620; punished by the General Court, *ib.*
- Corbitant*, intrigues against the Plymouth Colonists, I. 185; his followers disarmed, *ib.*
- Corey*, Giles, put to death for witchcraft, IV. 109.
- Corey*, Martha, accused of witchcraft, IV. 104.
- Cornbury*, Lord, succeeds Lord Bello-mont as governor of New York, IV. 255; not interested in behalf of New Englanders, 268; complaints against charter government, 487.
- Corner*, Captain, in charge of marines in Boston harbor, V. 393, *n.*; quarters his troops in Faneuil Hall, 374, *n.*
- Cornwall*, territory of, established by the royal commissioners, II. 622; in-

- cluded in the territory of Massachusetts, III. 96; put under the government of Andros, 515; regulation of affairs in, 560.
- Cornwall*, Conn., settled, IV. 576 *n*.
- Cornwallis*, Edward, English governor at Nova Scotia, V. 132.
- Corporation Act*, provisions of the, II. 354.
- Cortereal*, Gaspar, voyage of, I. 63.
- Corwin*, Jonathan, examined the cases of witchcraft at Salem, IV. 103.
- Cottle*, —, collector at Salem, accused of conniving at smuggling, V. 401 *n*.
- Cotton*, John, arrives at Boston, and is chosen teacher of the Church, I. 367; account of, 368; controverts some opinions of Roger Williams, 409; his statement as to the cause of Williams's banishment, 416; his letter to Lord Say and Sele, as to the "Council for Life," 442, *n*.; his sermon upon the veto, power of the magistrates, 448; acquiesces in the excommunication of Mrs. Hutchinson, 488; speech about the religious differences in New England, 495; is invited to England to the Westminster Assembly of Divines, 581; appointed with others to make a draft of laws, II. 22, *n*.; his "Abstract of Laws," 25; Robert Baylie's account of, 84 *n*.; his "True Constitution of a Particular Visible Church," 85; his "Way of the Congregational Churches cleared," II. 183, *n*., 185, *n*., 340, *n*.; his agency in reducing Independency to a working system, 184; his correspondence with Cromwell, 280; his death, 403; mentioned, IV. 5.
- Council of Commerce*, attempt to establish a, IV. 21.
- Council of Foreign Plantations* appointed by Charles II., II. 444; reduced to ten members, III. 32; the number increased, 33; merged with the Council for trade, *ib*.; their designs against New England, 273.
- Council for Life*, restriction of the, I. 555; renewal of the question respecting the, 614.
- Council for New England* incorporated, I. 192; they grant a patent to John Pierce for Plymouth, 193; their difficulties with the Virginia Company, 204; they cancel Pierce's patent, 210; resignation of their charter, 397; list of grants made by the, *ib*.
- Council of Six*, formed by the Whig party, III. 261; its members arrested, 262; accused by the Tories of complicity with the Rye-House Plot, 266.
- Council of State*, chosen by Parliament, II. 273; dissolution of the, by Cromwell, 288; another formed, 289.
- Council of Virginia*, exercise a supervision over the London and Plymouth Companies, I. 81; patent of the, 91.
- Councillors*, election of, for the new government, IV. 142.
- Country* interest, opposition of, to the Court, I. 248.
- Court of High Commission*, powers and constitution of, I. 121.
- Court of James I.* immorality of the, I. 276.
- Court orders* at Plymouth, I. 342.
- Courts of Assistants*, in Massachusetts, I. 317; renewal of, 325; towns taxed by, 353; their action opposed by the General Court, 375; established in the several colonies, II. 15, 16.
- Courts of Justice* established at Salem, Ipswich, and Newton, I. 551; in New England, history of the organization of, II. 15; constitution of, in 1670, III. 42; act of General Court to establish, IV. 140; acts of the General Court to establish and the action of the Privy Council, 172, 173.
- Covenanters*, in Scotland, cruel persecution of the, III. 31; defeat of the King's troops under Claverhouse by, at Loudon Hill, 268; defeated at Bothwell Bridge, *ib*.
- Covenants*, church, II. 36.
- Coventry*, Conn., IV. 474, *n*.
- Coverdale*, Bishop, refuses to subscribe to the liturgy and ceremonies, I. 122.
- Cowell*, his "Law Dictionary," I. 250.
- Cox*, Richard, Bishop of Ely, opposes John Knox, I. 118.
- Cox*, T., bookseller in Boston, a catalogue of books sold by him, IV. 384, *n*.
- Cradock*, Matthew, governor of the Massachusetts Company, proposes the transfer of the government of the Company to New England, I. 301; a member of the Long Parliament, 304; his advice as to the treatment of the Indians, 362; ordered to produce the charter of the Massachusetts Company, 371; defaulted at Westminster Hall, 403.
- Craggs*, Mr., succeeded Addison as secretary of state, IV. 460, *n*.
- Crandall*, John, visits Massachusetts in Company with John Clarke, II. 351; arrested and fined for a misdemeanor, 352; arrested for assisting the Shakers, IV. 97, *n*.
- Cranfield*, Edward, appointed governor of the royal province of New Hampshire, III. 407; his official powers, *ib*.; his oppressive administration, 408; quarrels with the Assembly of New Hampshire, and dissolves it, 409; quotations from his several communications to the Privy Council, 410, 415, 418; appoints a Deputy-Governor and goes to Boston, 412; his letter from Boston, 413, *n*.; his course censured by the Lords of the Committee, 417; sues to be relieved from his govern-



- ment, 418; his departure to the West Indies, 419; mentioned, IV. 218.
- Cranmer**, his honesty and his errors, I. 109; opposes *the statute of the six articles*, 110; superintends the preparation of the liturgy, 111; his opposition to Hooper, 112.
- Cranston**, John, governor of Rhode Island, begs Mount Hope of the king for Rhode Island, III. 432; dispute with the government of Connecticut, 434.
- Cranston**, Samuel, governor of Rhode Island, IV. 236; letter concerning the importation of negroes to Rhode Island, 357, *n.*; duration of his administration in Rhode Island, 466; death of, mentioned, 588.
- Creek Indians**, I. 23.
- Crocker**, Rev. Josiah, Taunton, V. 84.
- Cromwell**, Oliver, sends his Scotch prisoners to Boston, I. viii; his dialogue with Whitelocke, 281; his success at Gainsborough, 479; his success at Marston Moor, II. 270; an Independent, 86; at Uxbridge, 94; denounces Lord Manchester, 95; the Scotch jealous of, 97, *n.*; assists to remodel the army, 98; his conduct at Naseby, 99; opposed to conformity, 101; his conduct at Preston Pans, 108; member of the High Court of Justice, 111; the ruler of England, 273; appointed to command in Ireland, 274; sacks Drogheda and Wexford, *ib.*; his letter to Lenthall cited, *ib.*, *n.*; appointed to command in Scotland, 276; battle of Dunbar, 277; battle of Worcester, 279; corresponds with John Cotton, *ib.*; expels the Long Parliament, 288; selects "the little Parliament," 289; first Protectorate of, 290; institutes the Court of Triers, 292; summons his second Parliament, 294; dissolves it, 295; divides England into military districts, *ib.*; makes war with Spain, is defeated at San Domingo, but succeeds in Jamaica, 296; summons a third Parliament, 298; is elected king, 299; refuses the crown, 300; invested with royal powers as protector, 301; authorized to appoint his successor, *ib.*; dissolves his third Parliament, 302; his power, afflictions, and death, 303; his plan for transferring the New England people to Ireland, 389; and to Jamaica, 390; his communications with John Leverett, 392; how esteemed in New England, 400.
- Cromwell**, Richard, accession of, II. 416; his character, *ib.*; state of parties at the accession of, 417; calls a Parliament, *ib.*; abdicates, 419.
- Crown Point**, a point of attack for the English, V. 130; an expedition against, commanded by William Johnson, 138; the army surprised at Wood Creek, Lake Champlain, by Dieskau, 139; cost of the expedition to, 142.
- Crowne**, John, his information against the regicides, II. 498; begs assistance of the English government for his father's losses by the surrender of Nova Scotia, III. 431; opinion entertained of, by the Federal commissioners, 433.
- Croune**, William, made a proprietor of Nova Scotia, by Cromwell, II. 286.
- Cuba Mountain**, situation and height of, I. 6.
- Cudworth**, James, sympathizes with the Quakers, and is disfranchised, II. 484, *n.*, 532, *n.*; restored to favor, III. 98; his reasons for declining public service in 1678, *ib.*, *n.*; sent with Major Bradford in command of forces against Philip, 155; carries the address of Plymouth to England, 424.
- Cudworth**, Ralph, English philosopher, IV. 384, *n.*
- Culpepper**, chancellor of the Exchequer, quotations from his speech upon the exaction of duties, I. 560.
- Culpepper**, Lord, governor of Virginia, recommends a general governor for New England, III. 343; account of, *ib.*, *n.*
- Cupheage** (Stratford), settlement of, I. 538.
- Currency of New England**, II. 57.
- Cushing**, Thomas, speaker of the House of Representatives, V. 252; representative in General Court, *ib.*; chosen speaker of the House of Representatives, 355; on committee of correspondence, 381; a graduate of Harvard College, 405, *n.*; member of a committee protesting against holding court at Cambridge, 444, 446; represented Massachusetts in the first Congress, 538.
- Cushing**, Judge William, will not accept of the support of the crown, V. 478.
- Cushman**, Robert, sent to England by the Leyden congregation, I. 150; censured for yielding to the *merchant adventurers*, 155; withdraws from the enterprise of emigration, 160; prophecy of, 195; his letter cited by Bradford, 213; his death, and Bradford's tribute to his memory, 224.
- Custom duties**, levy of, in the colonies, III. 33.
- Cutler**, Rev. Timothy, his conversion to the Church of England, IV. 478; Samuel Sewall's letter on the apostasy of, 478, *n.*; made rector of Yale College, 478; claims a seat among the overseers of Harvard College, 479, *n.*; his opinion of Whitefield's preaching, V. 40.
- Cutts**, John, made president of the royal province of New Hampshire, III. 402;

his death, 407; the wife of, killed by Indians at Portsmouth, IV. 152.  
*Cutts*, Lord, mentioned, IV. 165; governor of the Isle of Wight, 202.  
*Cuttyhunk*, description of, by Archer, I. 72; Gosnold's first settlement, 73.  
*Cygnnet*, the king's ship at Newport, V. 504.

## D.

- D'Ailleboust*, Louis, governor of New France, seeks aid from New England against the Indians, II. 305.  
*Duggett*, Naphtali, made professor of divinity of Yale College, V. 193; appointed president of Yale College, 521, n.  
*Dalrymple*, Colonel, mentioned, V. 406; commands the troops in Boston at the time of the Boston massacre, 417; removes the troops to Castle William, 419.  
*Dalton*, Samuel, a magistrate of New Hampshire, III. 404.  
*Dalziel*, commands the king's troops in Scotland against the Covenanters, III. 30.  
*Dana*, Francis, chief-justice, mentioned, V. 288.  
*Dana*, Richard, justice of peace, V. 320, n.; 415, n.  
*Danbury*, Conn., IV. 474, n.  
*Danby*, Thomas Osborne, Earl of, made lord treasurer, III. 22; encourages the disclosures of a popish plot, 247; proceedings against in Parliament, 250; impeachment of, revived, 251; committed to the Tower, 252; mentioned, IV. 14; member of committee of Privy Council, 20, n.  
*Dand*, John, a signer of the "Remonstrance and Humble Petition," II. 169; fined for seditious practices, 177.  
*Danforth*, Samuel, IV. 29, n., V. 398.  
*Danforth*, Thomas, some account of, II. 514; one of the umpires between Plymouth Colony and Philip, III. 149; loses favor by his friendship for the Praying Indians, 200; chosen deputy-governor, 332; chairman of the committee for preparing instructions to the agents, 352; the leader of the popular party, 361; his parting letter to Randolph, 375, n.; probable author of a paper signed "Phileroy Philopatris," 385; appointed president of Maine, 400; neglected by the provisional government, 495; displaced from the presidency of Maine, 503; endeavors to effect a peace with the Abenaki Indians, IV. 92.  
*Dangerfield*, Thomas, his information against the Duke of York, III. 256.  
*Dangers* of an emigrant people, III. 67.  
*Daniel*, Thomas, a magistrate of New Hampshire, III. 403.  
*Dartmouth*, Lord, memorial of Massachusetts to, IV. 275; succeeds Lord Sunderland as secretary of state, 279, n.; a benefactor of Dartmouth College, V. 293; succeeds Lord Hillsborough as secretary of state, 454; the college at New Hampshire commended to his notice, 503.  
*Dartmouth*, assault upon, by the Indians, III. 157.  
*Dartmouth*, one of the tea ships, V. 474.  
*D'Aulney*, Charles de Menou. See *Menou*.  
*Davenport*, James, preaches through New England as a revivalist, V. 15; his views denounced by ministers of Boston, 16; his preaching in Connecticut, 27; arrest of, in Connecticut, 30; preaching in Rhode Island, 84; his "Confession and Retractation," 38.  
*Davenport*, Rev. John, conceals John Cotton in London, I. 869; comes to New England, 484; some account of, 528; removes to Quinnipiack, 529; his sermon at Quinnipiack, *ib.*; is invited to the Westminster Assembly of Divines, 581; value of his library, II. 45; shelters Goffe and Whalley, 499; his sermon upon the regicides, 505, n.; opposes the union of New Haven with Connecticut, 546; states New Haven's case against Connecticut, 558; removal from New Haven, III. 81; becomes pastor of the First Church in Boston, 82; his death, &c., 88.  
*Davenport*, Richard, called to answer for the mutilation of the flag at Salem, I. 426.  
*Davis*, Major, apothecary, IV. 304, n.  
*Davis*, Captain, of Acton, killed in the attack upon Concord, V. 563.  
*Davis*, John, makes explorations along the North American coast, I. 69.  
*Davis*, Simon, commands the garrison at Brookfield, III. 160.  
*Davis*, William, a commissioner to New Amsterdam, II. 315.  
*Davison*, sent on an embassy to the Low Countries, I. 135.  
*Day*, Stephen, the first printer in Cambridge, II. 45.  
*Deane*, Charles, I. xi, xv, II. vii, III. vi; edits Bradford's History of Plymouth Plantation, 136, n.; his notes cited, 193, n.; publishes the first Plymouth patent, 194, n.  
*Deane*, Silas, on committee of correspondence of Connecticut, V. 520.  
*Deane*, Thomas, complains of breaches, in Massachusetts, of the Navigation Laws, II. 616.  
*De Berdt*, Dennis, brings the complaint against Bernard in England, V. 407; the court makes a grant of money to, 444, n., 446; mentioned, 530, n.



- De Callières*, his intrigues with the Indians, IV. 258; death of, 259.
- De Candolle*, "Géographie Botanique," cited, I. 27, n.
- Declaration of Indulgence*, of King James II., III. 460; a second published, 462; defeat of, 464; reception of, in New England, 548.
- Declaration of Right*, at the accession of William and Mary, III. 479.
- "*Declaration of the Rights and Grievances of the Colonists in America*," prepared at the Congress in New York, V. 830.
- Declaration, Royal*, brought over by Randolph, III. 376.
- Declaratory Act*, the, of King George concerning his prerogative over the colonies, V. 354.
- Deerfield*, assaulted by the Indians, III. 163; abandoned by the English, 169; sack of the town by Indians, IV. 262; attempted attack upon, 274.
- Deer Island*, the income from, appropriated to the support of a school, II. 47; seized by Andros, III. 553.
- De la Jonquière* commands a second fleet to Nova Scotia, V. 86; is routed in an engagement with Admiral Anson, *ib.*
- De Lancey*, lieutenant-governor of New York, V. 121, 130, n., 153.
- Delaware Bay*, explored by Hudson, I. 85; extension of New England to, III. 561.
- Delft-Haven*, embarkation of the pilgrims from, I. 156.
- De Monts*, Sieur, obtains from King Henry IV. a patent for lands in America, I. 77; sails for America, *ib.*; returns to France the ensuing year, 78.
- Denison*, Daniel, some account of, II. 316, n.; ordered to prepare a new edition of the Laws of Massachusetts, 894; favors prerogative, 627; his death, III. 362.
- Denison*, George, his exploits against the Indians, III. 191.
- Denys*, makes a chart of the Gulf of St. Lawrence, I. 65.
- "*Deplorable State of New England*," a pamphlet arraigning Dudley, &c., IV. 305-310.
- De Poutrincourt* sails with De Monts for America, I. 77; returns to France, 78; visits the Indians in the Kennebec region, IV. 81.
- Deputies* chosen by the freemen in Massachusetts, I. 354, 372, 382; number of, restricted, 554; how chosen, II. 10; proposal to reduce the number of, in Massachusetts, 252.
- Deputies to General Court*, qualifications of, IV. 143.
- De Rasières*, Isaac, his visit to Plymouth, I. 226, 237.
- Dermer*, Captain, his adventures at Plymouth and on Cape Cod, I. 99; visits the mouth of the Hudson, 236.
- De Ruyter*, Admiral, his exploits against the English, II. 441.
- Desborough*, Samuel, one of the founders of Guilford, I. 534; made keeper of the Great Seal of Scotland, 586.
- "*Desire, The*," a vessel built at Marblehead, II. 56.
- Devonshire*, Earl of, member of Privy Council, IV. 20, n.
- Devonshire*, formation of the county of, III. 97.
- D'Ewes*, Sir Simonds, autobiography of, cited, I. 271, n., 404, n., 557; a member of the Long Parliament, 574.
- De Witt*, John, grand pensionary of Holland, III. 5.
- Dexter*, Gregory, president of Providence Plantations, II. 356.
- Dexter*, Samuel, mentioned, V. 357.
- Dickinson*, John, his "Letters from a Farmer," &c., V. 384, 385, n.
- Dieskau*, Baron, commands the French forces in America, V. 133, 138; surprises the English army in camp at Wood Creek, Lake Champlain, 139; wounded in the battle of Wood Creek, 141; extract from his journal of the battle of Wood Creek, 141, n.
- Digges*, Dudley, member of Virginia committee, V. 461.
- Dighton Rock*, inscription on the, supposed by Rafn and others to be Runic, I. 56, n.
- Dinwiddie*, Governor, of Virginia, V. 124; quoted, 127, n.; mentioned, 130, n.; favorable to the stamp duties in the colonies, 287.
- Diseases*, local in New England, I. 12.
- Dispensing power* claimed by James II., III. 453.
- Dissenters from Episcopacy*, proceedings against, II. 435.
- Division of stock and land* in Plymouth, I. 228.
- Dixwell*, John, one of the regicides, some account of, II. 508.
- Domestic animals*, want of, among the Indians, I. 30.
- Dongan*, Thomas, governor of New York, III. 440; sends commissioners to Maine, 533; his letter upon the union of Connecticut and New York, &c., 540.
- Dorchester Company*, formation of, I. 284; forms a settlement at Cape Ann, 285; a partnership, but not a corporation, 290; obtains a charter from the crown, *ib.*
- Dorchester*, named, I. 319; town government at, 381; emigrants from, to Connecticut, their controversy with Plymouth Colony, 452; description of, in the "Wonder-Working Providence," II. 271.
- Doreslans*, murder of, II. 308.

- Dort*, Synod of, I. 144.
- Doty* and *Lister*, punished for fighting a duel at Plymouth, I. 188.
- Douglass*, William, duke of Hamilton, lays claim to lands in Connecticut, III. 439.
- Douglas*, "Summary," cited, IV. 331, n.
- Douglas*, Dr. William, argues inoculation for small-pox, IV. 414, n.; mentioned, 429, n.
- Dover*, settled by adherents of Mrs. Hutchinson, I. 517; confederation at, 589; quarrel between factions at, 590; comes under the jurisdiction of Massachusetts, 592; Indian massacre at, IV. 32; a second attack upon, 48; in line of Indian attack, 266; mentioned, 411.
- Dover Cliff*, name given by Gosnold to Gay Head, I. 72.
- Dowdeswell*, Chancellor, as a member of the ministry, V. 363.
- Downing*, Emanuel, a friend to the Massachusetts colony, I. 366, n.; emigrates to New England, 427, n.; rejected as an assistant, 554.
- Downing*, Sir George, holds high office during the Protectorate, I. 536; some account of, II. 430; procures the arrest of three of the regicides, who are convicted and executed, 431; his diplomatic adroitness in Holland, III. 5, n.
- Drake*, Sir Bernard, visits Newfoundland with an English squadron, I. 69.
- Dress* in New England, II. 64.
- Drinker*, Edward, letter to John Clarke, III. 89.
- Drogeo* of the Zeni, thought to have been New England, I. 60, n.
- Drogheda*, sack of, II. 274.
- Droughts* in New England, I. 11; in Plymouth, 1623, I. 214.
- Druillettes*, Gabriel, missionary among the Indians, II. 305; sent to treat with the Massachusetts colony, 306; his account of his visit to Boston, 307, n.; establishes a mission among the Abenakis Indians, IV. 31.
- Dryden*, John, his sketches of the Cabal ministry in "Absalom and Achitophel," III. 11, IV. 384, n.
- Dudington*, Lieutenant, commander of the king's schooner "Gaspee," wounded in the attack on, V. 510, 512.
- Dudley*, Joseph, a commissioner from Massachusetts to the Narragansetts, III. 157, n.; agent to England, 352; Randolph's opinion of, 356; the leader of the moderate party in Massachusetts, 362; some account of, *ib.*; his fidelity suspected, 372; counsels submission to the king, 380; dropped from the list of assistants, in 1684, 388; chosen assistant by a small vote, 481; writes to Randolph of the necessity of a provisional government in Massachusetts, 483; displaced from the office of assistant, 484; president of the provisional government, 485; reflections upon, 488; his connection with Edward Randolph, 490; substance of his inauguration speech, 498; his remarks to the General Court, *ib.*; censor of the press, 519; appointed a "Judge of the Superior Court," 520; his offensive language to Rev. John Wise, 526; his address to the jury at the trial of Wise and others, 527; resentment against, 584; imprisoned, and released on a bond, 594; popular tumults against, *ib.*; arrives in England with Andros and charges against him dismissed, IV. 67; sent as counsellor to New York, *ib.*; intrigues for the appointment of governor of Massachusetts, 164; chief-justice of New York, 201; returns to England, *ib.*; lieutenant-governor of the Isle of Wight, 202; prospect of his being governor of Massachusetts, 201, 202; assisted in his desire by Constantine Phips, 202; his intrigues in order to gain the appointment, 203; arrival in Boston as governor, 245; the policy of his government, 247; addresses the Legislature, 248; neglect of the General Court of his proposals, 249; visits the eastern country and renews peace with certain tribes, 250; urges the rebuilding of Pemaquid, 250; grant of salary made to him, 251; dissolves the existing Court, and convenes one in the name of Queen Anne, 252; expresses his dissatisfaction with Massachusetts to the Board of Trade, 252; his rejection of councillors, 253; his report to the Board of Trade on the choice of councillors, 254; complains to the Board of Trade concerning his salary, 254, n.; holds a conference with the Casco Indians, 256; applies to Rhode Island and Connecticut for troops, 268; proposal of Governor Vaudreuil to, for a treaty, 269; plans an expedition against Port Royal, 270; his chagrin at the failure of the attack, orders a court martial, 273; sends messengers to Lord Lovelace concerning the Maquas Indians, 275; quoted, 276, n.; seconds Lord Bolingbroke's scheme of an expedition against Quebec, 281; his proclamation concerning the expedition, 281, n., 282; quoted concerning the pilots employed in the expedition, 285, n.; makes another peace with the Eastern Indians, 288; urges the question of established salaries upon the Court, 289, 292, 295; answer of the Court to him, 289, n.; the complaints of the Court against him, 290; the Court makes him a grant

of salary, 291; extract from his letter to Lord Nottingham, *ib.*; again rejects certain councillors, *ib.*; attempts to control the speakership of the House, 294; announces the queen's instructions to the Court, 295; receives the queen's picture, &c., 295, *n.*; the discontent with him in Massachusetts, 297; his religious tendencies, 297, *n.*; rejection of councillors Hammond and Cooke, 299; addresses the Court on the trial of Vetch, Borland, and others for illicit trading, 300; suspected of complicity with the prisoners, 300, 302; endeavors to have their fines remitted, 301; petition of merchants to the queen urging his removal, 302; demands from the Court a vindication of the charges against him, 303; extract from a pamphlet "Deplorable State of New England," reviewing his career, 305-310; his suspicious conduct in the illicit trading of Rouse and others, 311; his relations with the Mathers, 312; his provision for Harvard College, 313; his interest in the welfare of the college, 316; approves the election of John Leverett for president of Harvard College, 318; his possible motive for so doing, 318, *n.*; quarrel of the Mathers with, 319, 320; his reply to the letters of the Mathers, 320; the General Court make a grant of salary to, 322; in discord with the General Court, *ib.*; he desists from his claim for a fixed salary, 323; comparative quiet of his later administration, 324; his opposition to Dummer for agent, 336; feels the insecurity of his position, 336; his last days of office, 338; secures the sympathy of Sir William Ashley and Phips, *ib.*; is reinstated by royal proclamation, 339; withdraws from office, *ib.*; succeeded in administration by Burgess, 340; proposes his son Paul for judge of probate, 340, *n.*; death of, 341; funeral sermon preached by Dr. Colman, 341, *n.*; his character portrayed, 342; his reception in New Hampshire as governor, 345; favorable to the claim of Allen to lands in New Hampshire, 346, 348; his quarrel with Usher, 350; writes to the Lords of Trade about the condition of New Hampshire, 352; visit to Rhode Island, 353; his claim over the militia of Rhode Island refused, 354; complains to the Lords of Trade against Rhode Island, 355, 356; quoted concerning the relation of Connecticut to the war, 361, *n.*; complains of insult at the Mason land claim trial, 365, 366, *n.*; his hostile statements to the Privy Council against the colonies of Rhode Island and Connecticut, 367; quoted on ap-

pointment of Lieutenant-Governor Dummer, 387; letter on the products of Massachusetts, 397; quoted concerning the Quakers, 449, *n.*; his attempt to vacate the New England charters, 486; his administration in Massachusetts mentioned, 595.

*Dudley*, Sir Matthew, partner in a trading company, IV. 395, *n.*

*Dudley*, Paul, attorney-general, IV. 255, *n.*, attorney in the trial of Vetch, Borland, and others for illicit trading, 300; quoted, concerning his father, 307; concerning a private bank, 334, *n.*; concerned in the printing of a pamphlet called the "Governor, &c., of Massachusetts Bay," 339, *n.*; made sheriff, 340, *n.*; counsel for Pierpont in suit against Harvard College, 417; reappointed attorney-general, 524; mentioned, V. 486, *n.*

*Dudley*, Robert, Earl of Leicester, favors the nonconformists, I. 119.

*Dudley*, Thomas, his letter to the Countess of Lincoln, cited, I. 166, *n.*, 292, *n.*, 329, *n.*, 330; deputy-governor of Massachusetts Bay, 302; some account of, 303; his account of New England, 329; re-elected deputy-governor, 348; his difference with Winthrop, 349; is displeased with Winthrop, 389; again elected deputy-governor, 355; reconciled to Winthrop, 356; for the fourth time chosen deputy-governor, 366; succeeds Winthrop as governor, 374; his conduct with reference to Winthrop, 437; made one of a "Council for Life," 441; elected deputy-governor, 481; succeeds Winthrop as governor a second time, 555; is succeeded by Bellingham, 611; elected governor, II. 253; deputy-governor under Winthrop, 260; re-elected governor, 381; death of, and remarks upon, 411.

*Dudley*, William, obtains a surrender of prisoners from the Indians, IV. 262, *n.*; makes observation of the St. Lawrence River, 285, *n.*

*Duel* fought in Plymouth, and the duelists punished, I. 188.

*Dummer*, —, minister at York, murdered by Indians, IV. 93; epitaph of Cotton Mather on, 98, *n.*

*Dummer*, Jeremiah, mentioned, IV. 277, *n.*; agent of Massachusetts in England, 279; approves of a grant of land to some officers of war, 286, *n.*; concerning a public bank, 335, *n.*; appointed agent for Massachusetts, 335; his character of Vetch, 337, *n.*; sends news of death of Queen Anne, 376; unfavorable to the appointment of Burgess for governor, 386; quoted, concerning the independence of Massachusetts, 407, *n.*; recalled from office as agent in England, 428,

- n.; letter on the treatment of Governor Shute in Massachusetts, *ib.*; makes a present to Yale College, 478; his "Defence of the Charters," mentioned, 448; extracts from his "Defence," 487, *n.*; the argument of his Defence of Charter quoted, 487; opposes a scheme for the settlement of Nova Scotia, 567; his appointment as agent for Connecticut withdrawn, 580, *n.*
- Dummer*, Richard, chosen an assistant, I. 429; a partisan of Mrs. Hutchinson, 474; contributes to the relief of Winthrop in his embarrassment, 556, *n.*; agent of the Proprietors of the Plough Patent, 595, *n.*
- Dummer*, Gov. William, appointed lieutenant-governor, IV. 387; his administration over Massachusetts, 431; addressed by Samuel Sewall at his meeting with the Council, 431, *n.*; he submits to the dismissal from service of Colonel Walton and Major Moody, 433; displeases the House by affixing his seal to a present to the Indians, 434; sends troops against the Eastern Indians, 435; his good management of the Indians, 444, 444, *n.*; blamed for complicity in the movement of holding a synod in Massachusetts, 455; renews the subject of a fixed salary, 527; meets the court after the death of Governor Burnet, *ib.*; mentioned, V. 4.
- Dummer* Fort, built at Brattleborough, Vt., IV. 436; released from the jurisdiction of Massachusetts, V. 290.
- Dunbar*, David, in England with a petition against Belcher, IV. 557, *n.*; succeeds Wentworth as lieutenant-governor of New Hampshire, 566; note concerning, 567, *n.*, 569, *n.*; his quarrels with Belcher, 568; petitions for the removal of Belcher from office, 570; goes to England, 571, 575, *n.*; his desire to detach Maine from Massachusetts, mentioned, V. 111; favorable to the stamp duties in the colonies, 287.
- Dunbar*, battle of, II. 277.
- Dunkirk*, sold to France, II. 443.
- Dunmore*, Lord, becomes governor of New York, V. 498; attempts the arrest of certain settlers in New Hampshire, 498.
- Dunning*, John (Lord Ashburton), counsel for prosecution in the hearing against Hutchinson, V. 484; mentioned, 519; debate in Parliament, 553.
- Dunstable*, Mass., IV. 30; people at, murdered by Indians, 93.
- Dunster*, Henry, his letter to Professor Ravis, cited, I. 41, *n.*; his success as master of Harvard College, II. 49; is interested in the religious instruction of the Indians, 191; resigns his office, 397; closing scenes of his life, 533, *n.*; place of burial, 534, *n.*
- Dunton*, John, his "Life and Errors," cited, III. 69, *n.*; his visit to New England, 60, *n.*, 487, *n.*
- Duquesne*, Fort, capture of, by the French, V. 127; a point of attack for the English, 180; surrender of, to Colonel Washington, 163.
- Durham*, Conn., IV. 474, *n.*
- Dury*, John, scheme of, for a union of Protestant churches, &c., II. 292, *n.*
- Dustin*, Hannah, her murder of Indians and escape from captivity, IV. 156.
- Dutch*, driven from Saybrook, I. 451; transactions with the United Colonies of New England, II. 143; disputes with the, 202; designs of Rhode Island against the, III. 108; at New Amsterdam, quarrel between Connecticut and, 119; their forbearance towards New England explained, 120; proceedings of Massachusetts respecting the, 121; their operations in Long Island Sound, 124; in New York, their greed of gain, IV. 42.
- Dutch* West India Company, its charter, I. 236.
- Dunivier*, —, French officer, V. 59, *n.*
- Duxbury*, founded by Miles Standish, I. 161; church and town established, 336; town organization of, II. 13.
- Duyckvelt*, ambassador of the Prince of Orange to England, III. 473.
- Dwight*, Joseph, Brigadier-General, V. 67, *n.*
- Dwight*, Timothy, president of Yale College, V. 29, *n.*
- Dyer*, Mary, a Quaker, comes to Boston from England, II. 467; is arrested, with Robinson, Stevenson, and Davis, 475; tried and condemned to death, *ib.*; her execution, 480.
- Dyer*, William, General Recorder, &c., of the Providence Plantations, 219, 357; commands a privateer, 360; his letter to Endicott about his wife, 479.

## E.

- Earthquake* in New England, I. 12; shock felt throughout New England, V. 4.
- Eastern* Indians, conclude a treaty of peace with Massachusetts, IV. 158; their renewals of peace, 256; beginning of another war with them, 257; intrigues of Frontenac and De Calières with the, 258; renewed attacks in Maine by, 260, 274; renew Dudley's treaty with Governor Shute, 419; attack the English at Nova Scotia, 420; attack on Arrowsick Island, 425; renewal of hostilities by, 434, 436;

- excited to hostilities by Rasle, 435; a treaty effected at Boston with the, 443; the treaty ratified by them at Falmouth, 444; cost of the war with them, 445; incursions of, into New Hampshire, 464; make treaty with commissioners from Massachusetts, V. 112; invasions of, through Maine, *ib.*; cease their invasions after the conquest of the French, 175.
- East Greenwich*, R. I., IV. 585.
- East Haddam*, Conn., IV. 474, *n.*, 576, *n.*
- Eastham*, settlement of, II. 238.
- East Hampton*, Long Island, annexed to Connecticut, II. 377.
- East India Company*, complaint of, concerning Kidd's piracies, IV. 183; the unprosperous condition of, V. 468; licensed to send tea to America, 470.
- Easton*, John, his narrative, &c., III. 180, *n.*; Quaker governor of Rhode Island, IV. 236.
- Easton*, Nicholas, elected elder at Aquetnet, I. 513; warned away from Hampton by the Massachusetts authorities, 516; chosen president of Rhode Island, II. 222; promulgates new doctrines in Rhode Island, 345; becomes a Quaker, III. 104; governor of Rhode Island, 105.
- Eaton*, Nathaniel, first master of Harvard College, severity of his discipline, II. 49.
- Eaton*, Samuel, at Quinnipiack, I. 529, 532.
- Eaton*, Theophilus, an assistant of the Massachusetts Company, I. 303; some account of, 528; emigrates to Quinnipiack, 529; chosen a magistrate, 532; chosen governor of New Haven Colony, 602; his furniture, wardrobe, &c., II. 63; represents New Haven in the first Confederate commission, 112; death of, 415.
- Ecclesiastical abuses*, discontent with, I. 103.
- Ecclesiastical councils* in New England, II. 182.
- Edes*, Peter, a volume of fifth of March orations printed by, V. 423, *n.*
- Edgehill*, battle of, I. 578.
- Edict of Nantes*, revocation of the, III. 453.
- Edinburgh*, outbreak at, against the authority of Charles the First, I. 565.
- Education*, provision for, in Plymouth, II. 45; in Massachusetts, 46; in New Haven, 47; at Newport, 48; in Connecticut, IV. 231.
- Edward the First*, his ecclesiastical policy, I. 102.
- Edward the Sixth*, encourages the fishery at Newfoundland, I. 66; his testamentary disposition of his kingdom, 115.
- Edwards*, Jonathan the younger, his observations on the Mohegan dialect, I. 40.
- Edwards*, Rev. Jonathan, author of "Faithful Narrative," &c., V. 4, *n.*, 7; religious excitement caused by the preaching of, 5; reports of his preaching sent to England, 7; affected by Whitefield's preaching, 11; accompanies Whitefield to Connecticut, 26; his "Thoughts concerning the Present Revival," &c., cited, 38.
- Edwards*, Morgan, instrumental in establishing Brown University in Rhode Island, V. 294.
- Edwards*, Richard, a lawyer of Hartford, IV. 232, *n.*
- Egremont*, Lord, mentioned, V. 217, *n.*, 518; succeeds Pitt as secretary, 247; remonstrates against a settlement on the Susquehanna River, &c., 302, *n.*
- Election Sermon* by John Cotton, cited, I. 378; Nathaniel Ward chosen to preach the, in 1641, II. 252; Mr. Norton chosen in 1644, *ib.*; Mr. Norris, in 1646, 260.
- Elections by ballot*, I. 429.
- Eliot*, Andrew, succeeded as chaplain of the House of Representatives by Samuel Cooper, V. 356, *n.*
- Eliot*, John, *the Apostle*, his "Indian Primer," I. 41; arrives in New England, and is settled at Roxbury, 357; notice of, *ib.*, *n.*; learns the native language, II. 189; begins his missionary labors, 190; preaches to Indians near Watertown, *ib.*; preaches at Neponset and other places, 194; his method of instruction, 197; his salary, 333, *n.*; his strictures upon the Society for Propagating the Gospel, 334; meets with difficulties, 336; establishes a community of native converts at Natick, *ib.*; copies of his translation of the New Testament sent to England, 445; publishes his "Christian Commonwealth," 510; repents of his error, 512; his translation of the Bible, *ib.*; interposes with the royal commissioners in behalf of the Indian Pomham, 604; approves of synods, III. 83; the friend of the Praying Indians during Philip's war, 200; mentioned, IV. 30, *n.*; "Biographical Dictionary" cited, V. 405, *n.*
- Elizabeth Islands*, their situation, I. 72; visited by Gosnold, *ib.*
- Elizabeth*, Queen, accession of, to the throne, I. 116; temper, religious sense, and early associations of, 117; her sympathies with Romanism, *ib.*; proclamation of, requiring uniformity, 119; religious persecutions in the last twenty years of, 124; her last days and death, 243; number of crimes which were capital at the end of her reign, II. 27.



- Ellis*, Welbore, vote against the repeal, V. 429.
- Elliott*, Robert, complaint of, against Major Shadrach Walton, IV. 351, n.
- Emigration* of Separatists to Holland, I. 128; to Virginia prohibited, I. 138; to Plymouth, renewed from Leyden, 331; to Massachusetts, renewed, 367; to New England obstructed by the Privy Council, 370; to New England prevented, 502, n.; discontinuance of, 584.
- Emigration*, to New England, no prospect of further, IV. 4.
- Emott*, —, Kidd's messenger to Lord Bellomont, IV. 184, n.
- Endicott*, John, I. 287; his company at Salem, 289; visits the settlers at Merry Mount, *ib.*; governor at Salem, 296; fined for assault and battery, 327; his letter to Governor Winthrop quoted, *ib.* n.; cuts the cross from the colors, 409; called to account, 427, 430; dismissed from public office, 429; elected an assistant, 440; made one of a Council for Life, 441; commands an expedition against the Indians, 459; chosen deputy-governor, 613; his letter of confidence to Winthrop, II. 155; elected governor, 156; chosen "serjeant-major-general," 253; his letter to New Haven, 320; repeatedly elected governor, 381; his measures against the Quakers, 463; orders the arrest of the regicides, 500; his death and character, 598; disliked by the king, 607.
- Enfield*, town of, claimed by Connecticut, IV. 233; desires to be annexed to Connecticut, V. 196.
- England*, Puritanism in, I. 101, 127, 240, 264, 560; progress of the Civil War in, rise of the Independents and subversion of the monarchy, II. 69; governed by the House of Commons and by a Council of State, 273; protectorate of Oliver Cromwell, 291; divided into military districts, 295; protectorate of Richard Cromwell, 416; restoration of the monarchy, 421; ecclesiastical affairs in the reign of Charles II., 432; decline of morals, 437; repudiation of public debt, III. 13; Declaration of Indulgence, 14; war with Holland, 15; passage of the Test Act, 10; defeat of the High Tory party, 23; Council for Foreign Plantations newly constituted, 32; levy of custom duties in the colonies, 33; Popish Plot, 242; persecution of the Catholics, 249; proceedings against the Duke of York, 253; Exclusion Bill, 254; discontinuance of parliaments, 257; disfranchisement of the corporations, 259; the Rye House Plot, 262; arrest of Whig leaders, *ib.*; a despotism reinstated, 267; renewal of designs against New England, 273; projects of the Lords of the Committee of Trade in reference to New England, 280; report of the Attorney-General and the Solicitor-General upon the laws of New England, 309; Lords of the Committee recommend a writ of *quo warranto* against the Massachusetts charter, 317; further demands of the Lords of the Committee, 324; design to crush Massachusetts matured, 370; process against the charter, 376; decree in chancery vacating the charter, 390; accession of King James the Second, 446; insurrection of the Duke of Monmouth, 449; judicial cruelties, 451; the sovereign's claim to a dispensing power allowed by the judges, 455; revival of the High Commission Court, *ib.*; memorial of seven bishops, 463; defeat of the Declaration of Indulgence, 464; imprisonment, trial, and acquittal of the bishops, *ib.*; landing of the Prince of Orange in, 474; flight of King James, 476; convention of the estates, 477; dispute between the Lords and the Commons, 478; the throne declared vacant, and William and Mary proclaimed king and queen, 479; Declaration of Right, *ib.*; defeat and end of Puritanism in, IV. 4; new official organizations in, 14; the colonial empire of, 17; reception in, of the news of the revolution in New England against Andros, 62; furnishes a fleet for the conquest of Quebec, 279; accession of George I. to the throne of, 381; news received in, of the surrender of Louisburg, V. 78; the Gregorian Calendar adopted by, 116, n.; news received in, of the surrender of Canada, 173; terms of peace with France discussed, 223; her debt at the end of the war with France, 257, n.; news received in, of the demonstrations against the Stamp Act, 343; a new ministry formed with the Marquis of Rockingham at the head, 345.
- England* and Scotland, union of the kingdoms of, IV. 321.
- English*, Philip, merchant of Salem, accused of witchcraft, IV. 104.
- English Church*, the, in Boston, IV. 188.
- English Commissioners*, the General Court makes an assessment upon them, V. 447.
- English Ministry*, dissolution of the Grafton ministry, V. 423.
- Episcopal Church*, establishment of, at Providence, R. I., IV. 470.
- Episcopal establishment*, scheme for setting up in the colonies, V. 95.
- Episcopal form of worship* set up at Salem, by John and Samuel Browne, I. 298.
- Episcopalians*, petition of, to king for a

- resident bishop in Massachusetts, IV. 479, n., 499, n.
- Episcopus*, foiled in a dispute with Robinson, I. 142.
- Equinox*, Mount, situation and height of, I. 5.
- Erastians*, their position in "the Westminster Assembly," II. 81.
- "*Ericson*, Leif," voyage of, to America, A. D. 1000, I. 53.
- Escarbot*, L', "Histoire de la Nouvelle France," cited, I. 21, n., 27, n., 46, n., 77, n.
- Esquimaux*, North American, belong to the Mongolian race, I. 22; may have dwelt as far south as Rhode Island, 55.
- Essex*, Arthur Capel, Earl of, a Whig leader in the time of Charles II., III. 261; arrested for complicity with the Rye House plotters, 262; commits suicide in the Tower, 264.
- Essex*, Robert, third Earl of, general-in-chief for the Parliament, I. 577; Parliament votes him thanks, II. 70; and discharges him, 95.
- Essex*, Walter, first Earl of, strong attachment of the nation to him, I. 79.
- Essex*, one of the four original counties of Massachusetts, towns in, in 1643, I. 617; cabal in, II. 167.
- Estaing*, Comte d', proclamation of, concerning the Acadians, V. 227, n.
- Estotiland*, of the Zeni, thought to have been Newfoundland, I. 60, n.
- Estournelle*, d', commander of French fleet, death of, V. 86.
- Etchemins*, I. 23.
- Euston*, Lord, mentioned, IV. 560.
- Evelyn*, John, his memoirs cited, III. 274.
- "*Evening Post*," newspaper, V. 55, n.
- Everett*, A. H., critique of a book of verses by, V. 218, n.
- Exclusion Bill*, against the Duke of York, III. 249; passed by the Commons, 254; again voted, 258.
- Exeter*, settlement at, by Wheelwright and others, I. 515; accession of, to Massachusetts, 593; attacked by Indians, IV. 48, 274; preserved by an accident from an attack by Indians, 156; in line of Indian attack, 266.
- Expedition* into Canada planned for the seizure of Quebec, IV. 49, 50; met by Frontenac at Quebec, 53; skirmishing at Quebec, 56; repulsed and returned to Mass., 57; cost of the, 57, 58.
- Explanatory* charter, a, recommended by the Privy Council for Mass., IV. 452; adopted by the House of Rep's, 453.

## F.

- Fairbanks*, Richard, appointed a sort of postmaster in Boston, IV. 328.
- Fairfax*, Sir Thomas, his success at Wakefield, I. 579; appointed general-in-chief by the Parliament, II. 97; his success at and after the battle of Naseby, 100; occupies London with the army, 106; a member of the "High Court of Justice," 111.
- Fairfield*, settlement at, I. 538.
- Falmouth* (Casco), annexed to Massachusetts, II. 388; attacked by the Indians, III. 208; attack on, by French and Indians, IV. 47; Indian invasions into, V. 112.
- Faneuil*, Peter, his scheme for a private bank, IV. 335, n.
- Faneuil Hall*, given to town of Boston, V. 54, n.; mentioned, 220; English troops quartered in, 394, n.
- Farmer*, Anthony, recommended for president of Magdalen College, by James II., III. 461.
- Farmer's Historical Collections*, cited, IV. 571, n.
- Farmington*, Connecticut, settled, II. 232.
- Fast*, appointed during the scarcity of food in 1630, I. 324; Thanksgiving substituted, 325; in the Antinomian controversy, 477; during the dispute with England in 1678, III. 323.
- Fees*, excessive, demanded, III. 523, 531.
- Felt*, "Historical Account," cited, IV. 551, n.
- Fenner*, Arthur, his quarrel with William Harris, III. 103.
- Fenwick*, George, settles at Saybrook, I. 539; commands a regiment for the Long Parliament, 585; conveys Saybrook to "the jurisdiction of Connecticut," 605; his position upon the subject of confederation, 628; represents Connecticut in the first Federal Congress, II. 112; visits England, to procure a patent for Connecticut, 237.
- Ferry*, between Boston and Charlestown, I. 321; between Winnisimmet and Charlestown, 351.
- Fifth Monarchy men*, uprising of, II. 434; meaning of the movement, 509; in New England, *ib.*
- Finance*, the question of royal instruction in the management of, in Massachusetts, IV. 547; condition of currency and credit, V. 58.
- Financial difficulties* in Massachusetts, IV. 332; V. 51.
- Finch*, Lord Keeper, impeachment of, I. 572.
- Fire* in Boston, August 8th, 1679, III. 338.
- Fire* in London, September, 1666, II. 442.
- Firing* of "the shot heard round the world," V. 563.
- Fish*, Rev. —, of Stonington, quoted on true religion, V. 30.
- Fisher*, Mary, a Quaker, arrives at Boston, II. 463.
- Fisher's Island*, claimed by Andros f



- the Duke of York, III. 440, *n.*; granted to John Winthrop, Jr., *ib.*
- Fisheries* of New England, II. 54; how affected in New England by the Treaty of Paris, V. 256.
- Fisheries* of Newfoundland, &c., I. 65, 66, 204.
- Fisheries*, competition in the, I. 225.
- Fishes* of New England, I. 17.
- Fishing* of the aborigines, I. 27.
- Fitch*, Rev. Jabez, III. 403, *n.*
- Fitch*, Rev. James, preaches the first election sermon in Connecticut, III. 126.
- Fitch*, Jeremiah, his release from jail by a mob in Hartford, IV. 483.
- Fitch*, Thomas, sent to England from Connecticut for reimbursement of war expenses, V. 195, *n.*; appointed governor of Connecticut, 109; disclaims illicit trading in Connecticut, 301.
- Five-Mile Act*, provisions of, II. 437.
- Five Nations*, meeting of, with commissioners at Albany, IV. 152; promise to assist the English in Massachusetts, 268; are joined by the Tuscarora tribe, V. 122, *n.* See *Iroquois*.
- FitzMaurice's* Life of Shelburne cited, V. 486, *n.*
- Fitzwilliam's* (Lord) Correspondence of Burke cited, V. 486, *n.*
- Flag*, mutilation of the, by Endicott, I. 409, 426, 430; displayed at the castle, 440; question about the cross in the, renewed, III. 318, *n.*
- Flanders*, invasion of, by Louis XIV., III. 4.
- Flavel*, John, a book of, reprinted in America, V. 218, *n.*
- Fleet*, Thomas, mentioned, IV. 339 *n.*; V. 55, *n.*
- Fleetwood*, General, a Parliamentary leader, II. 418; degraded by Parliament, 419.
- Fletcher*, Governor, his quarrel with Governor Phips, IV. 149; his criminal arrangement with Kidd, 181, *n.*; attempt of, to take command of the militia of Connecticut, defeated by Captain Wadsworth, 226; his right over the troops of Connecticut limited, 227.
- Flint*, —, tutor, IV. 340, *n.*
- Flint*, Thomas, elected a magistrate in Massachusetts, I. 613.
- Flucker*, Thomas, made secretary of state of Massachusetts, V. 442.
- Folsom*, Charles, I. xvii, II. vii, III. vii.
- Forbes*, Gen. —, mentioned, V. 163.
- Forster*, John, "Historical and Biographical Essays," cited, I. 561, 574; value of his "Essay on The Grand Remonstrance," 574.
- "*Fortune, The*," arrival at Plymouth of, I. 187; return of, to England, 194.
- Fowle*, Thomas, signs the "Remonstrance and Humble Petition," II. 168; prevented from going to England, imprisoned and fined, 174.
- Fowler*, William, elected a magistrate of New Haven Colony, I. 602.
- Fox*, Charles James, secretary, mentioned, V. 145; in debate in House of Commons, 424, 428; opposes the Boston Port Bill, 524; debate in Parliament, 550, 553.
- Fox*, George, reputed founder of the sect of Friends, religious history of, II. 458; visits Rhode Island, III. 106; challenged to a public discussion by Roger Williams, 107.
- France*, prosperous condition of, under Louis XIV., III. 4; her design upon the fishery and fur trade in America, IV. 36; King William declares war against, *ib.*; war declared against, 249; terms of peace with, discussed in England, V. 223.
- Franchise*, conditions of, II. 8, III. 135; law of the General Court concerning, IV. 26; how extended in Connecticut, 229.
- Frankland*, Sir Henry, collector of customs, V. 46, *n.*
- Franklin*, governor of New Jersey, mentioned, V. 406.
- Franklin*, Benjamin, quoted concerning the post-office system, IV. 332, *n.*; associated with his brother in printing the "New England Courant," IV. 410, *n.*; goes to Philadelphia, *ib.*; mentioned, 495, 553, *n.*; V. 530, *n.*; makes light of the enterprise against Louisburg, 76, *n.*; represents Massachusetts in a confirmation of peace with the Five Nations, 122; his plan for a union of all the colonies, *ib.*; quoted concerning independence for the colonies, 214, *n.*; quoted concerning terms of peace with France, 224; in England, 306; advises in a speech to the House of Commons the repeal of the Stamp Act, 348-351; appointed an agent in England by the House of Representatives, 441; mention of a grant of land to, 453; quoted concerning the tea question, 470, *n.*; correspondence quoted, 477, *n.*; appears for prosecution in the hearing against Hutchinson, 484; explanation of, concerning the Hutchinson letters, 485, *n.*; discharged from the office of postmaster-general, 486; petition of, against the Boston Port Bill, 524.
- Franklin*, James, established the "New England Courant," IV. 409, *n.*
- Fraser*, Professor, his "Life of George Berkeley," cited, IV. 591, *n.*
- Frederick* Louis, Prince of Wales, death of, V. 199, *n.*
- Frederick*, Count Palatine, son-in-law of James the First, I. 255; accepts the

crown of Bohemia, *ib.*; feebly supported by James, 256.  
*"Freeman's Charge,"* at Quinnipiack, I. 533.  
*Freeman's Oath*, I. 377, 396; a measure to secure allegiance to the colony, 410; the first fruit of the American press, V. 218, *n.*  
*Freemen* resume the right of election in Massachusetts, I. 354; number of, in Massachusetts in 1634, 383; political rights of the, 387; number of, in Rhode Island in 1654, II. 362.  
*French*, the, their barbarous assaults in connection with the Indians, IV. 264, 266; establish themselves in the country of the Five Nations, V. 119.  
*French*, Thomas, fined and imprisoned under the administration of Andros, III. 526.  
*French empire*, fall of, in America, V. 171.  
*French fleet*, a, sent to recover Nova Scotia, &c., V. 85; a second is put to rout by Admiral Anson, 86; disastrous failure of the, *ib.*  
*French Huguenots*, emigrate to Massachusetts, I. viii, III. 547, *n.*  
*Frenchmen*, their easy adaptation to, and influence over the Indians, V. 172.  
*French military posts*, extent of, on the continent of North America, V. 118.  
*French Neutrals (Acadians)*, condition of the, at Nova Scotia, V. 131; found in arms against the English king, 132; decline to take oath of allegiance to England, *ib.*; the plan for expelling them from Nova Scotia, 134, 136; the plan carried into effect, 136; their unwelcome reception in Massachusetts, *ib.*; interest of Thomas Hutchinson in them, 137; fate of some of them in the southern colonies, *ib.*, 138; correspondence of Governor Bernard concerning, 226, *n.*; their attempt to go to France, *ib.*  
*French soldier*, advantage of, over the English with the Indians, V. 118.  
*French stations*, the extent of, on the American continent, IV. 36.  
*Friends.* See *Quakers*.  
*Frobisher*, Martin, his voyage in search of the Northwest passage, I. 67.  
*Frontenac*, Count de, given command of an attack on Albany, IV. 37; governor of New France, 42; intrigues with the Abenakis to war against the English, 44; organizes an attack on Schenectady, 45; organized attack on Falmouth, 47; organizes attacks on Salmon Falls, *ib.*; a meeting of commissioners held to consult over the invasions made by, 49; defeats the expedition against Quebec, 54; reply to Sir William Phips's demand for the surrender of Quebec, 55; his

intrigues with the Indians, 258; death of, *ib.*  
*Frontenac*, Fort (Kingston), surrender of, to Colonel Bradstreet, V. 162.  
*Frost*, Major, killed by Indians, IV. 157.  
*Frothingham's "Rise of the Republic,"* cited, V. 214, *n.*  
*Frothingham's "Life of Warren,"* cited, V. 274, *n.*  
*Fryeburg*, N. H., IV. 440.  
*Froude's "History of England,"* cited, I. 108.  
*Fugitive slave*, a, the founder of Virginia, I. 90.  
*Fuller*, Rose, motions a repeal of the tea duty, V. 527.  
*Fuller*, Samuel, physician of Plymouth, I. 837.  
*Fulling Mill*, erected at Rowley, II. 53.  
*Fundy*, Bay of, explored by De Monts, I. 77.  
*Furzer*, Benjamin, sent to inspect the productions of New England, IV. 396; death of, 398.

## G.

*Gage*, General, mentioned, V. 226; ordered to send troops to Boston, 391; arrival in Boston, 395; appointed governor of Massachusetts, 486; quoted, 522, *n.*; appears as governor of Massachusetts, 529; adjourns the General Court to Salem, *ib.*; sends to Salem to destroy military stores, 560; quoted, 560, *n.*; makes war upon the province, 562; makes the attack upon Concord, 563.  
*Gainstorough*, Lincolnshire, congregation of Separatists at, I. 132; they emigrate to Amsterdam, 140.  
*Gale*, Benjamin, letter written by, cited, 519.  
*Gallatin*, Albert, his estimate of the number of New England Indians before the landing of the English, I. 24, *n.*  
*Galloway*, Joseph, of Pennsylvania, his plan for a proposed union between Great Britain and the colonies, V. 540, *n.*  
*Gallup*, John, his fight with Indians, I. 458.  
*Gardiner*, Rev. —. Lancaster, murdered by Indians, IV. 266.  
*Gardiner*, Lion, builds a fort at Saybrook, I. 451; his "Relation of the Pequot Wars," cited, 461, 469.  
*Gardiner*, Sir Christopher, account of, I. 329, 500; in Calais II. 299, *n.*  
*Gardner*, Thomas, at Cape Ann, I. 285.  
*Garfield*, James A., mentioned, V. 139, *n.*  
*Garth*, English writer, IV. 384, *n.*  
*"Gaspee"* the king's ship, destruction of, V. 460, *n.*, 510, 512; the burning of, near Providence, 510, 512; the pro-

- ceedings of the British Government, upon the burning of, 511, 512.
- Gay*, English writer, IV. 384, *n*.
- Gay Head*, called *Dover Cliff* by *Gosnold*, I. 72.
- Geddes*, Jenny, her part in the outbreak at *Edinburgh*, I. 566.
- Gee*, Rev. Joshua, quoted, IV. 457, *n*.; proposed for president of *Harvard College*, V. 405, *n*.
- General Assembly of Connecticut*, action of, to prevent irregular preaching, V. 29, 32.
- General Association of ministers*, action of, to prevent irregular preaching, V. 28, 31; its attitude towards *Whitefield*, 33.
- General Court*, meeting of the first, by writ of *Governor Phips*, IV. 137; the business enacted by, 138; its second session, 139; act of, concerning the imposing of taxes, *ib.*; act of, to establish courts of justice, 140; act of, to provide a salary for the governor, 141; the act of, concerning local laws, disallowed by the *Privy Council*, 160; advice of *Bellomont* to, concerning the establishment of courts, 174; considers the *Acts of Navigation* oppressive, 199; a, convened by *Dudley* in the name of *Queen Anne*, 252; nomination of councillors by, 253; action of, to assist *Lord Bolingbroke's* expedition against *Quebec*, 281; address to the queen urging a renewal of attack on *Quebec*, 285; discord between the two branches of, 289; *Dudley* renews to it his question of salaries, *ib.*, 292, 295; its complaints against *Dudley*, 290; makes *Dudley* a grant of salary, 291; makes grants of salaries to certain officers, 292; *Dudley* attempts to control the speakership of the House, 294; *Dudley* announces the queen's instructions to it, 295; its message to *Dudley* concerning the demands of the queen, 296; sends an address to the queen, 297; trial of the prisoners *Vetch*, *Borland*, and others by, for illicit trading, 300; denies any suspicion of *Dudley's* complicity with the prisoners, *ib.*; serves sentences upon them, 301; vindicates the charges made against *Dudley*, 303; act of, requiring the president of *Harvard College* to live at *Cambridge*, 314; a grant of salary made to *Dudley*, 322; action of, to facilitate postal arrangements, 329; order concerning settlers in *Maine*, 338, *n*.; disagreement of, with *Governor Shute*, 393; a further issue of paper money by, *ib.*; contention with *Governor Shute* concerning naval stores, &c., 402; refuses to establish a salary for the governor, 403; imposes a duty on English merchandise, 404, 405; act of, concerning officers taking the oath of allegiance, 406, *n*.; refuses the customary moneys for public holidays, &c., 410, 410, *n*.; reduces the compensation to the governor, 411; disputes the royal claim to timber, *ib.*; continued disputes with *Shute*, 414, 415; imagines frauds in the muster rolls, 415; disagrees with *Harvard College* administration as to the religious influence, 416; vote of the House to allow tutors to become members of the corporation of *Harvard College*, 417; appropriates money to build *Massachusetts Hall* at *Cambridge*, 418; dissension with *Shute* concerning the *Eastern Indians*, 421; action of, against the *Jesuit mission* at *Norridgewock*, 422; assumption of military authority by, 424; vote of, concerning the governor's speech to the *Indians*, 425; displeasure against *Colonel Walton* in an *Indian attack* on the *Kennebec*, *ib.*; disagreement with *Shute* concerning *Colonel Walton*, 426, 427; the House of Representatives persists in the dismissal of *Colonel Walton* and *Major Moody*, 432; is displeased with *Dummer* for affixing his private seal to a present to the *Indians*, 434; issue of bills of credit by the Representatives, 445; complaint of *Shute* to the king against the House of Representatives, 446; the House sends *Elisha Cooke* to *England* in its defence against *Shute's* complaint, 448; the complaint of *Shute* against the House sustained by the *Privy Council*, 451, 451, *n*.; the House of Representatives adopts the *Explanatory Charter*, 453; reception of *Governor Burnet*, by the, 499; speech of *Governor Burnet* to the, 500; the royal instruction to, in regard to a salary for *Burnet*, 501; its resistance to the demand for salary, 502; makes a grant of money to *Burnet*, 502, 510; continuance of the dispute in regard to a salary for *Burnet*, 503-512; meeting of, removed from *Boston* to *Salem*, 512; *Burnet's* defence of the removal before the, 514; its complaint of the removal from *Boston*, 515; appeal of the Representatives to the king, 516; the Court prorogued by *Burnet*, 518, 518, *n*.; speech of *Burnet* in a new session, 520; dissensions in the, 521; dissolved by *Burnet*, 522; orders a publication of former instructions from the king, and proceed thereon, *ib.*; character of the new House, 523; the governor withholds his approval of an issue of bills of credit, 524; he communicates to it the decision of the *Privy Council*, 525; makes a grant

of money to the governor but refuses the fixed salary, 526; Lieutenant-Governor Dummer meets with it after the death of Burnet, 527; Dummer renews the subject of a fixed salary, *ib.*; grant of money to the children of Governor Burnet, 529; Belcher's inaugural speech to the, 534; Belcher demands a fixed salary, 535; is refused a fixed salary, 537; a memorial from, to the king to allow the governor to accept its grants, 538; defeat of the claim for a fixed salary, 539; claim of the Representatives to audit accounts of the treasury, 541; the governor's disapproval of the claim, 542; reminded by Belcher of the emptiness of the treasury, 542; defeat of the Representatives' claim, 545; the royal instruction concerning the management of the finances, questioned by, 547; memorial of, to the king concerning the drawing in of the bills of credit, *ib.*; the question raised of the validity of the royal instruction to the governor, 547, 548, V. 57, *n.*, 237, *n.*, 448, 449; makes appropriations for the repair of Boston harbor, 553, *n.*; Shirley's proposal to, for the seizure of the fort at Louisburg, V. 61; the scheme declared impossible, 62; finally adopted, 64; votes a reduction of Shirley's salary, 96; vote of, to revive the Land Bank, 99; adopts the plan of Thomas Hutchinson to redeem the paper currency, 108; passes an act concerning the quartering of troops, 153; passage of a Bankrupt Law by, 155, *n.*; extract from an address by, to Governor Bernard, 178, *n.*; the speech of Governor Bernard not pleasing to, 225; altercation in, concerning gold as a legal tender, 247; opposition of the House to Bernard's increasing the establishment of a war vessel, 249; the "Society for promoting Christian Knowledge" incorporated by, 254; an address to the king congratulating on the treaty with France, 256; "instructions" presented to, on the adoption of the Sugar Act, 276; paper sent to Mauduit by the Representatives on the adoption of the Sugar Act, *ib.*; a committee appointed for correspondence with the colonies with a view for protection, 277; petition to Parliament for a repeal of the Sugar Act, 278; address of Bernard to, on the passage of the Stamp Act, 317; invites a congress of the colonies for consultation on the taxation, 318; answer to Bernard's address on the Stamp Act, and Resolutions, 333-337; legislation of, on the Sugar Act, 315; its election of councillors not approved by Ber-

nard, 356; answer of, to Bernard's unfriendly speech after the repeal of the Stamp Act, 357, 359; grants indemnity to the sufferers from the riot, 365, 366; disputes with Bernard his right to provide for certain troops, 369; the unfriendly feelings between Bernard and the, 371; addresses letters to De Berdt and Lord Shelburne protesting against taxation, 376; Lord Shelburne's letter of disapprobation with the House, 377; a circular letter sent by, to sister colonies concerning the new taxation, 378; a resolve of, for the "Encouragement of Manufactures," 380, *n.*; the king requires it to rescind the resolutions of its circular letter, 381; petition of, to the king for the removal of Governor Bernard, 382; address of the House to Bernard in answer to the king's requisition, 383; the House requests the governor to remove the troops from Boston, 400; the House refuses a grant of salary to Bernard, 402; the Court prorogued by Governor Bernard, 403; resolve of, to prevent the use of tea, 430, *n.*; held at Cambridge under order from the king, 431; the question where it should sit, in dispute with Hutchinson, 435, 438; the House appoints Benjamin Franklin its agent in England, 441; makes a grant of salary to Hutchinson, *ib.*; the House refuses to congratulate Governor Hutchinson, 442; insists upon being allowed to sit in Boston, *ib.*, 443; the continued dispute between Governor Hutchinson and the, 443-449; urges upon Hutchinson the inconvenience of holding Court at Cambridge, 444, 445, 446; grant of money to the estate of Dennis de Berdt and William Bollan, 444, *n.*, 446; dispute with Hutchinson concerning the assessment of the English commissioners, 446, 448; the voters desire redress for the wrongs imposed upon them by the governor under royal instruction, 450; the question of salary for the governor agitated in, 452, 453; adjourned to Boston by the governor, *ib.*; discussion between the House and Hutchinson over the salaries of the judges, 456-459; certain offensive letters of Hutchinson to the English ministry sent to the, 462; correspondence with Hutchinson concerning the letters, 463; resolves of, concerning the letters, and prepares a report to the king, 464; the House passes a bill for supplying the militia with ammunition, 466, *n.*; the king's disapprobation of the Committee of Correspondence signified to, 476; action and resolve on the conduct of

- Chief-Justice Peter Oliver, 479; the House proceeds to impeach Justice Peter Oliver, 481; final resolve of the House concerning the impeachment of Oliver, 483; the House sends letters to the other colonies complaining of the Boston Port Bill, &c., 529; adjourned to Salem by Governor Gage, *ib.*; appoints a committee to consider the Boston Port Bill, 580; of New Hampshire, members of the House obliged to wear their swords in Council, 460, *n.* See *Massachusetts; Provincial Congress.*
- General* thanksgiving, a day of, appointed on the repeal of the Stamp Act, V. 361.
- George* the First, his accession to the English throne, IV. 381; death of, 456.
- George* the Second, proclaimed king in Connecticut, IV. 577; relieves Abercrombie from his command of forces in America, V. 162; dismisses Pitt from office of secretary, 157; death of, 174, 235.
- George* the Third, mentioned, V. 271; empowered to appoint a regent in case of his illness, 345; endeavors to form a new government, *ib.*; expresses his concern at the resistance of Boston, 396; the administrations during his reign, 423, *n.*; address to Parliament quoted, 424; asserts in Parliament his determination to enforce the laws in Massachusetts, 547.
- George*, Captain, of the "Rose" frigate, arrested in Boston, III. 577; allows the dismantling of his ship, 582; his account of the proceedings against Andros, 584, *n.*; of the "Rose" frigate, mentioned, IV. 62.
- George*, Fort, V. 556.
- George*, Lake, I. 2.
- Georgetown*, the fort at, attacked by Indians, IV. 425.
- Gerrish*, George, IV. 559, *n.*
- Gerrish*, Mary, an Indian captive, IV. 34, *n.*
- Gerry*, Elbridge, member of the committee of correspondence, V. 461.
- Gibbons*, Edward, commander-in-chief of the colonial forces against the Narragansets, II. 225; some account of, *ib.*, *n.*
- Gilbert*, Sir Humphrey, projects a colony in North America, I. 67; a patent granted to him, *ib.*; sails from England, 68; his first attempt unsuccessful, *ib.*; his second departure, *ib.*; enters the harbor of St. John's, Newfoundland, *ib.*; promulgates laws, *ib.*; is shipwrecked and drowned, 69; his patent renewed to Sir Walter Raleigh, 70.
- Gilbert*, Sir John, death of, I. 84.
- Gilbert*, Raleigh, an original associate of the Plymouth Company, I. 82; admiral of the Kennebec Colony, 83.
- Gilman*, Colonel, commands New Hampshire troops at Lake George, V. 189.
- Gilman*, John, a magistrate of New Hampshire, III. 403.
- Gilman*, John, his signature forged, IV. 559, *n.*
- Gilpin's* Life of Wickliffe, cited, I. 105, *n.*, 107, *n.*
- Glass* works at Salem, II. 51.
- Gloucester*, R. I., IV. 585.
- Gloucester*, Mass., a customs officer tarred and feathered at, V. 434.
- Glover*, Jose, gives Harvard College a printing-press, II. 45.
- Glover*, Rev. Peletiah, house of, sacked by the Indians, III. 171.
- Glynn*, —, serjeant, mentioned, V. 406, *n.*
- Godfrey*, Edward, the first settler at Agamenticus, I. 205; elected governor of Maine, II. 384; disputes with Massachusetts, 385; his submission to Massachusetts, 386.
- Godfrey*, Sir Edmondbury, his mysterious death, III. 245.
- Godolphin*, Sidney, chief of the treasury, England, IV. 14.
- Goffe*, William, account of, II. 497; abruptly appears at Hadley when attacked by the Indians, III. 164. See *Regicides.*
- Gold*, Thomas, a Baptist imprisoned, II. 486; at Noddle's Island, III. 89; sentenced to banishment, 90.
- Gold* as legal tender, proposal of Otis for, V. 247.
- Gomara*, Francisco Lopez, his "Historia de las Indias," cited, I. 65, *n.*; his map of the coasts of America, 95.
- Gomez*, Stephen, an early voyager to the American coast, I. 65.
- Good*, Sarah, accused of witchcraft, IV. 103, 107.
- Goodell*, Mr., editor of the Provincial Laws, V. 57, *n.*
- Goodhue*, William, fined and imprisoned under Andros's administration, III. 526, 528.
- Goodwin*, John, his daughter becomes bewitched, IV. 99.
- Goodwin*, Thomas, a member of the Westminster Assembly, II. 86; his MS. journal of its proceedings, 102, *n.*
- Goodyear*, Stephen, chosen deputy-governor of New Haven Colony, I. 602.
- Gookin*, Daniel, his testimony concerning the language of the New England Indians, I. 23; his Historical Collections of the Indians cited, *ib.*, *n.*; his estimate of their numbers before the landing of the English, 24; appointed "ruler over the Praying Indians" of Massachusetts, II. 338; account of, *ib.*, *n.*; instructed by Cromwell to urge the settlement of



- Jamaica from New England, 390; appointed a censor of the press, 530; his provisional oath of allegiance as magistrate, 616; his correspondence with Governor Prince, III. 147, *n.*; his friendship to the Praying Indians during Philip's war, 199; his treatise upon the Praying Indians, 202.
- Gordon*, "American Revolution," cited, V. 355, *n.*; 387, *n.*, 534.
- Gorgeana*, city and territory of, constituted, I. 527; government organized at, II. 383.
- Gorges* family in England, I. 79.
- Gorges*, Sir Ferdinando, birthplace and ancestry of, I. 79; early life of, *ib.*; importance of the papers of, *ib.* *n.*; serves in the royal navy during the Spanish war, and afterwards governor of Plymouth, 80; instructs and employs usefully the Indian captives brought home by Waymouth, *ib.*; engages Sir John Popham in his project of colonization, 81; perseveres in cherishing the project of a colony in America, 85; fits out an expedition under Richard Vines for New England, 98; his "Brief Narration," cited, 151, *n.*, 206, 288, 386, 524, 526; his efforts to promote colonization in New England, 204; is associated with Mason in the Laconia grant, 205; elected governor of the Council for New England, 208; his account of the granting of a patent for Massachusetts, 288; his appointment to the office of governor-general of New England, intimated by the king, 401, *n.*; grants a commission to Massachusetts, to govern the province of New Somersetshire, 524; claims the country between the Piscataqua and the Kennebec, *ib.*; is made lord proprietary of Maine, *ib.*; his organization of a government, 525; his death, 596; the plantations under his government not admitted into the Colonial Confederacy, 629; some account of his descendants, II. 620; claims the province of Maine, 621; prospects of a favorable settlement of his claim, III. 275; sends a memorial to the Privy Council complaining of Massachusetts, *ib.*; report of the law officers in his favor, 281; his claim disputed by Massachusetts, 294; the judges of England decide that the government of Maine belongs to him, 307; mentioned, IV. 207.
- Gorges*, Robert, attempts to plant a colony at Wessagusset, I. 206; appointed general governor of New England, *ib.*; visits Plymouth, 207.
- Gorges*, Thomas, son of Sir Ferdinando, made deputy-governor of the province of Maine, I. 526.
- Gorges*, William, at Agamenticus, I. 524.
- Gorham*, Captain, reinforces Annapolis, V. 59, *n.*; sent to England by Gov. Shirley, 84, *n.*
- Gorham*, John, an officer with Major Church, IV. 144, 269.
- Gorton*, Samuel, creates disturbance at Providence, II. 116; earlier history of, 118; fined and banished from Plymouth, 119; punished by whipping at Rhode Island, *ib.*; his opposition to Coddington, *ib.*; his answer to Massachusetts, 121; names of his party, *ib.*; buys lands of Miantonomo, 122; seeks the liberation of Miantonomo, 125; his company at Shawomet proceeded against by Massachusetts, 130; their conviction and punishment, 135; their discharge from punishment, *ib.*; they prevail upon the Narragansets to put themselves under the protection of the king, 136; reflections upon the treatment of, by Massachusetts, 140; his mission to England, and its success, 206; his "Simplicities Defence," &c., 209; conclusion of the Parliamentary commissioners with respect to, 213; his return to America and the submission of his party, 214; chosen president of Providence Plantations, 356; assists the Quakers imprisoned in Boston, 464.
- Goshen*, Conn., settled, IV. 576, *n.*
- Gosnold*, Bartholomew, his letter to his father quoted, I. 20; the first European who set up a dwelling in New England, 70; sails from Falmouth for America, 71; discovers Cape Cod, Martha's Vineyard, and the Elizabeth Islands, *ib.*; returns to England, 73; one of the settlers in Virginia, *ib.*
- Gouverneur*, Abraham, the subject of a quarrel between Governors Phips and Fletcher, IV. 149.
- Gove*, Edward, his insurrection in New Hampshire, III. 411.
- Governors* of the several colonies, I. 635, II. 637, III. 601.
- Grafton*, Duke of, mentioned, IV. 560; secretary of state, V. 344, 346; his opinion concerning taxation, 353; as a member of the ministry, *ib.*; made first lord of the treasury, 364; prime minister, 396; dissolution of his ministry, 423.
- Graham*, James, attorney of Governor Andros, III. 553; arrives in England and charges against him dismissed, IV. 67.
- Grand juries*, provided for, II. 18.
- Grand Pré*, exile of the Acadians from, V. 136.
- Grant* of Massachusetts, from the Council for New England, I. 288.
- Grants*, list of, made by the Council for New England, I. 897.

- Gray*, John C., his remarks on the climate of New England, I. 11.
- Gray*, Samuel, killed in the Boston Massacre, V. 418.
- "*Great Awakening*, the," religious excitement caused by the preaching of Edwards, Whitefield, and others, V. 5-34; consequences and influences of the, 35; extract from a letter on the "boasted converts" of, 37; ministers conspicuous in the, 38; judgments of conspicuous ministers on, *ib.*; found no favor with the Church of England, 41.
- Great Seal* of New England, during the government of Andros, III. 516; to be used in New York, 581.
- Greaves*, Thomas, imprisoned for contempt of government, IV. 28, n.
- Green*, Bartholomew, printer, at Boston, IV. 191, n.; printed the "News Letter," 304, n.
- Green*, John, his sentence of death commuted, V. 199, n.
- Green Mountains*, I. 4; structure and elevation of the, 5, 6.
- Greene*, John, some account of his early career, II. 118; his proceedings in England, III. 430; busies himself for Governor Andros while in England, 536.
- Greene*, Gov. William, of Rhode Island, V. 203.
- Greenland*, colonized by the Northmen, I. 52.
- Greensmith*, Stephen, punished for heresy and slander, I. 478, 484, 480.
- Greenwich*, R. I., revolt of the settlement at, I. 601; re-annexed to New Haven, II. 372; represented in General Assembly, IV. 466.
- Gregorian Calendar*, the, adopted by Great Britain, V. 116, n.
- Greyson*, Thomas, an assistant at New Haven, I. 602; represents New Haven in the first commission of the United Colonies, II. 112.
- Grenville*, George, mentioned, IV. 363; V. 424; speech in Parliament concerning the Sugar Act, cited, 272, n.; (lord of the treasury), the Stamp Act proposed by, 286; hung in effigy in Boston, 339, n.; motion to express to the colonies indignation of their conduct, 316; his taunt to Townshend concerning the taxing of the colonies, 373, n.; quoted on the repeal of the tax, 428.
- Grey*, Lady Jane, I. 115.
- Greylock*, Mount, situation and height of, I. 5.
- Gridley*, Colonel, erects the battery at Louisburg, V. 72; mentioned, 163, n.
- Gridley*, Jeremiah, counsel in a hearing on Writs of Assistance, V. 237, 238, 241.
- Grindal*, Edmund, bishop of London, I. 119; accession of, to the primacy, 120.
- Griswold*, Matthew, lieutenant-governor of Connecticut, V. 518.
- Grotius*, sentenced to perpetual imprisonment, I. 144.
- Groton*, Mass., IV. 30; twenty persons killed by Indians at, 151.
- Guadeloupe*, Island of, taken by the English, V. 223.
- Guiana*, project of emigration to, by the church at Leyden, I. 149.
- Guilford*, Lord Keeper, his subserviency to the crown, III. 392, n.; a member of James the Second's first ministry, 447; advises arbitrary measures, 448.
- Guilford*, Frederick (Lord North), Chancellor of the Exchequer, V. 375, 424.
- Guilford*, settlement at, I. 534; original form of government at, 535; unites with the New Haven Colony, 602.
- Guise*, Dr., London, V. 7.
- Gunpowder*, concerning the exportation of, to Boston, IV. 62.
- Gunpowder Plot*, discovery of the, I. 246; the anniversary of, celebrated in Boston, V. 339.
- Gustavus Adolphus*, king of Sweden, Thanksgiving in Massachusetts, for the successes of, I. 356.
- Guyot*, Professor, his manuscript memoir of the physical geography of New England, I. 9, n., 25, n., III. vii.

## H.

- Habeas Corpus Act*, how passed, III. 255, n.
- Hadley*, settlement of, II. 506; the regicides at, 507; a military post in Philip's war, III. 163; assaulted by the Indians, *ib.*
- Hakluyt*, Richard, interested in the exploration of New England, I. 74; a member of the London Company, 82.
- Hale*, Mrs., of Beverly, complained of for witchcraft, IV. 110.
- Hale*, Col. Robert, V. 183, n.
- Hales*, —, English writer, IV. 384, n.
- Hales*, John, author of an account of witchcraft, IV. 115, n.
- Half-Way covenant*, agitations respecting the, III. 85; recognized by the Congregational churches of New England, 88.
- Halifax*, George, Marquis of, opposes the Exclusion Bill, III. 256; a minister of King James, 447; joins the Prince of Orange, 476.
- Halifax*, Earl of, member of Privy Council, IV. 20, n.; letter of, to Shirley, V. 146; favored the taxing of the colonies, 259, n.; mentioned in connection with the Stamp Act, 286.
- Halifax*, the town of, established, V. 113.



- Halifax*, Fort, built by Governor Shirley, V. 175.
- Hall*, John, a teacher among the Mohegans, IV. 481, 559, *n*.
- Hallam*, Henry, observations of, upon the Puritans, I. 118, *n*.
- Hallam*, John and Nicholas, contest the will of John Liveen, IV. 491.
- Hallowell*, Mr., Boston, assaulted by a mob, V. 387, *n*.; mentioned, 395, *n*.
- Halze*, Mr., of New Hampshire, hung in effigy in Boston, V. 339, *n*.
- Hamilton*, Andrew, proposal to establish postoffice arrangements, IV. 329.
- Hamilton*, Marquis of, supports King Charles the First, II. 108; commands the Scotch at Preston Pans, *ib*.; heirs of, lay claim to lands in Connecticut, III. 430.
- Hammond*, Lawrence, mentioned, IV. 29, *n*.
- Hammond*, Col. Robert, his custody of the king at the Isle of Wight, II. 107; his correspondence with Cromwell, Fairfax, &c., *ib*.
- Hampden*, John, supposed visit of, to Plymouth not probable, I. 201; in the Long Parliament, 305; brings the question of ship-money to trial, 562; judgment against, cancelled, 572; his death, 578.
- Hampden*, John, the younger, a Whig leader, and one of the "Council of Six," III. 261; arrested, 262; convicted and fined, 266.
- Hampshire* County, Massachusetts, organized, II. 507.
- Hampton* Court, conference at, I. 129.
- Hampton*, township of, settled, I. 516.
- Hancock*, John, on committee of correspondence, V. 376, 378; his vessel seized by revenue commissioners at Boston, 387, 387, *n*.; mentioned, 394, *n*., 415, *n*., 439, 444; rejected as councillor by Bernard, 401; a graduate of Harvard College, 405, *n*.; accused of a breach of his promise not to import, 411; a fifth of March oration delivered by, 428, *n*.; member of a committee protesting against holding court at Cambridge, 444; on committee of correspondence, 447; chosen to represent Massachusetts in the second Congress, 545; chosen president of the second Provincial Congress, 557.
- Hansard*, "Parliamentary History," cited, V. 286, *n*., 397, *n*., 468, *n*.
- Harbors* of New England, I. 10.
- Harcourt*, Lord Chancellor, mentioned, IV. 280, *n*.
- Harlakenden*, Roger, an assistant, I. 440.
- Harley*, Robert, secretary of state in England, IV. 266, *n*., 278, 279, *n*.
- Harley's* South Sea Company in England, IV. 333.
- Harman*, Captain, assists in an attack on Indians at Norridgewock, IV. 437.
- Harrington*, "Nugæ Antiquæ," cited, I. 127, 130.
- Harrington*, James, English writer, IV. 384, *n*.
- Harrison*, Mr., collector of revenue at Boston, V. 387, *n*.
- Harrison*, Benjamin, mentioned, V. 460, *n*.; member of Virginia committee, 461.
- Harrison*, William Henry, President of the United States, V. 460, *n*.
- Harris*, William, an adherent of Roger Williams, I. 422; arrested for high treason, II. 365; quarrels with Williams, III. 102; character of, depicted by Williams, *ib*., *n*.; discharged from the office of assistant by the General Court of Rhode Island, 103; again chosen, *ib*.; his account of New England, 304, *n*.; commissioner from Connecticut to England, 434; taken by pirates, 435.
- Hartford*, first school at, II. 47; controversy in the church of, 488; III. 116; a second church in, 119; the mob at, to release Jeremiah Fitch from jail, IV. 482; the industries of, 474.
- Hartland*, Conn., settled, IV. 576, *n*.
- Hartley*, Mr., plan for conciliating America mentioned, V. 555.
- Harvard*, John, his bequest to the college, I. 549; extent of his library, *ib*., *n*.; II. 45.
- Harvard* College, institution of, I. 548; bequest of John Harvard to, 549; ordered to be called by his name, *ib*.; its first commencement, course of study, and early progress, II. 48; support of, recommended by the Federal commissioners, 151; provision for the education of Indians at, 333; help solicited from England for, 341; made a corporation, 397, *n*.; accounts of the early stewards of, 399, *n*.; probable inaccuracy of the catalogues, *ib*.; notice of, by the royal commissioners, III. 39; troubles in, 93; donations to, *ib*.; is befriended by Richard Baxter, *ib*.; Edward Randolph's description of, 302, *n*.; Walter Barefoote recommends the Privy Council to suppress it, 414, *n*.; presidents of, from 1675 to 1685, and number of pupils, 556; proposals of, concerning witchcraft, IV. 115; provisional arrangement of Governor Stoughton for, 193; a new incorporation of, *ib*.; the king disapproves the act of corporation, *ib*.; act of the General Court concerning, 194; Rev. Mr. Morton appointed vice-president of, *ib*.; Lord Bellomont recommends an application for a charter, *ib*.; after a controversy the General Court adopt his suggestion, 195; Dudley's provision

- for, 313; Rev. Samuel Willard administers as vice-president of, 315; Increase Mather resigns the presidency of, 315; the influence of the Mathers in the affairs of, on the wane, 316; the question of a charter for, again resumed, 317; cost of a commencement dinner at, 317, *n.*; number of graduates during Willard's administration, 317, *n.*; John Leverett elected president of, 318; restoration of the old charter, 318; disputes with the General Court as to the religious influence which should prevail at, 416; action of the General Court concerning the claim of tutors to be members of the corporation, 417; suit of Pierpont against, 417; the question of a royal charter for, still agitated, 451, *n.*; the contents of the library in the time of Queen Anne, 384, *n.*; the faculty of, make charges against Whitefield's preaching, V. 22; burning of a building called the "Old College," 265, *n.*
- Harvard Hall*, Cambridge, designed by Governor Bernard, V. 220.
- Harvest*, plentiful at Plymouth, 1623, I. 213.
- Hatfield*, attacked by the Indians, III. 171, 196.
- Hatherly*, Timothy, befriends the Quakers, and is deprived of office, II. 484.
- Hathorne*, Colonel, in command of squadron to the Penobscot, IV. 155.
- Hathorne*, John, examined the cases of witchcraft at Salem, IV. 103.
- Hathorne*, William, chosen a Federal commissioner from Massachusetts, II. 156.
- Haven*, Samuel F., I. xv, III. vii; "Archæology of the United States," cited, 56, *n.*, 71, *n.*, 305, *n.*
- Haven*, Mr., his list of books printed in America, V. 218, *n.*
- Haverhill*, Mass., IV. 30; attack of the Indians upon, 156, 261; in line of Indian attack, 266; attacked and plundered by Indians, 274.
- Hawley*, Joseph, mentioned, V. 357, 439; on committee of correspondence, 376, 378, 381; declines acting as councillor, 401; a graduate of Yale College, 405, *n.*; member of the committee of correspondence, 461; member of committee to "consider the state of the province," 477; on committee to consider the Boston Port Bill, 530.
- Hayes*, Edward, his "Narrative of Gilbert's Voyage," cited, I. 68, *n.*
- Hayley*, —, alderman, of London, presents a petition to restore the commerce between Great Britain and her colonies, V. 550.
- Hayman*, Samuel, nominated as councillor, IV. 254; admitted to the Council, 291.
- Haynes*, John, arrives at Boston, I. 367; elected an assistant, 378; and governor, 428; declines the salary of his office, 429; his conduct with reference to Winthrop, 438; favors the scheme of emigration to Connecticut, 444; removes to Connecticut, 455; is chosen governor of Connecticut, 537, 603, 604; deputy-governor, 538; death of, and remarks upon, II. 413.
- Haynes*, Rev. John, minister at Hartford, III. 116; a latitudinarian in respect to baptism, *ib.*; accompanies Captain Bull's force to Saybrook, 129.
- Heath*, William, on committee of correspondence, V. 447; appointed to command in the Massachusetts militia, 546.
- Hebron*, Conn., IV. 474, *n.*
- "*Helluland*," meaning of the word, I. 53; supposed to designate Newfoundland or Labrador, 55.
- Henchman*, Maj. Chelmsford, IV. 34, *n.*
- Hendrik*, Indian commander, killed in an encounter with Dieskau, V. 140.
- Henrietta*, sister of Charles II., makes a treaty for him with Louis XIV., III. 12.
- Henry the Second*, his struggle with the clergy, I. 192.
- Henry the Third*, mentioned, V. 334.
- Henry the Fourth*, his proclamation against the Lollards, I. 106.
- Henry the Eighth*, his secession from the Church of Rome supported by his subjects, I. 107, and seconded by Parliament, 109; his bequest of his kingdom, 115; mentioned, V. 397.
- Henry*, Matthew, his "Communicants' Companion," cited, V. 218, *n.*
- Henry*, Patrick, member of Virginia committee, V. 461; represented Virginia in the first Congress, 538.
- Herbert*, Lord, IV. 384, *n.*
- Herle*, Rev. Charles, prolocutor of the Westminster Assembly, II. 91.
- Herrera*, Hist. de las Indias Occid. cited, I. 65, *n.*
- Hibbens*, William, sent to England in 1641, I. 582; chosen an assistant, 613.
- Hibbins*, Mrs. Ann, executed for witchcraft, IV. 97.
- Higginson*, Rev. Francis, his "New England's Plantation," cited, I. 16, *n.*, 18, 27, *n.*, 176, *n.*, II. 62, *n.*; settles at Salem, 293; his letter to England, 294; some account of, 295; his alleged farewell to England, 297 *n.*; imitates the Plymouth Church scheme, II. 36.
- Higginson*, Rev. John, teaches a school at Hartford, II. 47; his interview with Andros, III. 570.
- Higginson*, Nathaniel, signs petition for the removal of Dudley, IV. 303.
- High-Church party*, lofty prerogative notions of, I. 250.

- "*High Court of Commission*," constituted, I. 121; again becomes active, 283; its revival, III. 455.
- High Court of Justice* for the trial of King Charles the First, II. 110.
- Highlands* of New England, description of the, I. 3.
- Hill*, General, commands the fleet against Quebec, IV. 283.
- Hillsborough*, Lord, mentioned, V. 260, *n.*; secretary of the Colonial Department in England, 375; communicates to the House of Representatives of Massachusetts, the king's displeasure at their circular letter, 381; his resolves condemning the proceedings of the House of Representatives at Boston, 396; his instruction concerning the sitting of the General Court, 435; resignation, 453.
- Hilton*, Captain, leads a force against the Jesuit post at Norridgewock, IV. 267; extract from his journal, 267, *n.*; conducts an expedition to Norridgewock, 270, *n.*; killed by Indians at Exeter, 278; Winthrop, biographical note of, 419, *n.*
- Hilton*, William and Edward, settlers at Cochecho, I. 205, 238.
- Hinckley*, Thomas, deputy-governor of Plymouth, III. 423; governor of Plymouth, 424; his letter on the grievances of the colony, 535; recalled to the government, 596.
- Hinckley*, Governor Thomas, mentioned, IV. 29; appointed governor of Plymouth Colony, 86.
- Hincks*, —, commander of the fort, Boston harbor, IV. 350.
- Hingham*, disturbance at, II. 254.
- Hinsdale*, N. H., Indian invasions at, V. 184.
- Hispaniola*, expedition against, under Admiral Penn, II. 297.
- Historical Genealogical Register*, extract from, V. 533, *n.*
- Hoadly*, —, English divine, IV. 380.
- Hoar*, Leonard, early history of, III. 93; elected president of Harvard College, 94; his ill success in that office, 95; resignation and death, 96; advises against the study of music, 134.
- Hobart*, Rev. Peter, his part in a disturbance at Hingham, II. 254; a Presbyterian, 259; tried and punished for sedition, *ib.*
- Hobby*, Sir Charles, mentioned as successor to Dudley, IV. 297, *n.*
- Hochelaga*, visited by Castine, I. 65.
- Hocking*, his affray on the Kennebec River, I. 338.
- Hodges*, —, secretary, England, IV. 369.
- Holden*, Randall, some account of his early career, II. 117; his proceedings at Warwick, 122; his abusive letter to Massachusetts, 136; his proceedings in England, III. 430.
- Holden*, Samuel, England, mentioned, IV. 559, 560, *n.*
- Holderness*, Lord, secretary of state, V. 128; colleague to Pitt as secretary, 157; made secretary of state, 158.
- Holidays*, not recognized in New England, II. 43.
- Holinshed*, —, English writer, IV. 384, *n.*
- Holland*, unfriendly relations of, with England, II. 280; motives for a war with, 281; conflict between the English and Dutch fleets, 283; war with England, and peace, 284; war renewed with England, 441; peace of Breda, *ib.*; war with England and France and distress consequent upon, III. 15; invasion of, by France, 16; peace with, 22; treaty with, 28.
- Hollis*, Thomas, his fears of Episcopal usurpation, V. 254.
- Holmes*, Obadiah, visits Massachusetts with John Clarke, II. 351; fined and whipped, 352; arrested for assisting the Shakers at Salem, IV. 97, *n.*
- Holmes*, Oliver Wendell, his dissertation on fever, cited, I. 13.
- Holt*, John, chief-justice, England, IV. 15, V. 241.
- Holyoke*, Captain, his gallantry in the battle of Turner's Falls, III. 195.
- Holyoke*, Edward, president of Harvard College, V. 22, 405, *n.*; with the Faculty of Harvard College make charges against Whitefield's preaching, 22; a contributor to the "*Pietas et Gratulatio*," 217, *n.*; death of, 404, *n.*
- Hondius*, Judocus, his map of Drake's voyages, I. 96.
- Honduras*, a colony at, IV. 17, *n.*
- Hood*, Commodore, commands a fleet at Halifax, V. 391; letter to Grenville, on Bernard's conduct concerning the ordering of troops to Boston, 392, *n.*
- Hooke*, William, of New Haven, chaplain to Cromwell, I. 586.
- Hooker*, Thomas, emigrates to New England, and settles at Newtown, I. 367; favors emigration to Connecticut, 444; account of, 445; removes to Connecticut, 453; is invited to the Westminster Assembly of Divines, 581; value of his library, II. 45; defends Independency, 91; his letter to Shepard, 173; his "*Survey of the Summe of Church Discipline*," 183, *n.*, 185, *n.*; his letter to Winthrop on the confederation, 239; his death, 263.
- Hooker*, Thomas, English writer, mentioned, IV. 384, *n.*
- Hoolton*, Elizabeth, the first proselyte of George Fox to Quakerism, II. 445.
- Hooper*, John, bishop of Gloucester, his

- distaste for the Episcopal robes, I. 112; his course not irrational, 113.
- Hoosac River*, course of, I. 8.
- Hopkins*, Edward, chosen assistant in Connecticut, I. 537; elected governor, 538; his advancement under Cromwell, 586; represents Connecticut in the first Confederate commission, II. 112; departure from New England and death of, 414.
- Hopkins*, Oceanus, born on board the *Mayflower*, I. 182, *n*.
- Hopkins*, Governor Stephen of Rhode Island, V. 203; quoted concerning illicit trade in, 295; quoted concerning the right of Parliament to tax the colonies, 298; his "Grievances of the American Colonies," &c., 299, 300; declines to receive nomination as governor, 507; chief-justice of Rhode Island, 511, *n*.; sent by Rhode Island to the Congress at Philadelphia, 536.
- Hopkinton*, N. H., Indian invasions at, V. 184.
- Horses*, law for improving the breed of, in Massachusetts, III. 54, *n*.
- Horticulture* of the aborigines, I. 27.
- Hough*, Atherton, chosen an assistant, I. 429.
- Hough*, Benjamin, V. 559, *n*.
- Hough*, Dr., elected president of Magdalen College, III. 461; deposed by the High Court of Commission, *ib*.
- House of Burgesses* of Virginia, the first popular representative body in America, I. 378.
- House of Commons* refuses to suppress Wickliffe's translation of the Bible, I. 105; proceedings of, in reference to New England, 209; its opposition to King James the First, 244; proceedings of against the monopolies, 257; protestation of, 260; establishes its right of impeachment, 261; its opposition to Charles the First, 266; absolute control of, over tonnage and poundage affirmed, 572; its "privilege" insulted by King Charles the First, 575; procession of, to Westminster, 576; purged by Colonel Pride, II. 110; orders a trial of King Charles the First, *ib*.; asserts to itself supreme power, *ib*.; votes the House of Peers to be "useless and dangerous," 111; establishes a "Council of State," 273; number of its members in 1640 and 1649, *ib*.; asserts the royal pardon to be no protection against a process issued by, III. 252; condemns the conduct of the judges in the case of the Duke of York, 256; resolve concerning Kidd's letters patent, IV. 183; resolves of, advising the repeal of the Stamp Act, V. 352.
- House of Correction*, built at Boston, I. 359.
- Howard*, Lord, a whig leader, and one of the Council of Six, III. 261; arrested for complicity with the Rye House plotters, 262; turns against Russell, 263; and against Sidney, 265.
- Howard*, Martin, the question of indemnity for, considered, V. 506.
- Howe*, John, English nonconformist, IV. 5.
- Howe*, Viscount, mortally wounded in a skirmish with the French at Ticonderoga, V. 160.
- Hubbard*, Rev. William, quotations from his "History of New England," I. 17, 285, 286, 301, 558, III. 143, 147; his position and character, 153, *n*., 361, *n*.; fac-simile of his map of New England, 155; consideration of his "History of New England" by a committee of the General Court of Massachusetts, 361.
- Huc*, journey through the Chinese Empire, cited, I. 48, *n*.
- Hudson*, Henry, visits the coast of America, I. 85; explores the Hudson River, 235.
- Hudson River*, former name of, I. 1; its course, 2; valley of the, 8; entered by Verazzano, 64; by Gomez, 65.
- Hughes*, —, English writer, IV. 384, *n*.
- Huquenots*, emigrate to Massachusetts, I. viii; congregation of, in Boston, III. 546, *n*.
- Hull*, John, his Diary, quoted, II. 297, *n*., 500, *n*., 598, *n*., III. 82, *n*., 343, *n*.; his account of Cromwell's death, 401, *n*.; appointed mint-master, 403.
- "*Humble Request*, The" of Winthrop's company, upon leaving England, I. 312.
- Humboldt* ascribes the discovery of America to the Northmen, I. 51, 56.
- Humphrey*, John, treasurer of the Dorchester Company, I. 289; deputy-governor of Massachusetts Bay, 302; some account of, 303; chosen assistant, 355; brings from England military stores for the colony, 378; brings important news from England, 389; complains to the council for New England of the restraints upon emigration, 400; sergeant-major-general of Massachusetts, 612; returns to England, 618.
- Humphreys*, Robert, retained as counsel in England, by Massachusetts, III. 880; declines to appear before the king's bench, 390; censures the General Court, 893.
- Hundred Associates*, the, IV. 87.
- Hunt*, Thomas, kidnaps Indians and sells them as slaves, I. 93, 177, *n*.
- Hunter*, Rev. Joseph, his collections concerning the church at Scrooby, cited, I. 132, *n*., 135, *n*.
- Hurst Castle*, King Charles the First imprisoned in, II. 109.

*Hussey*, Christopher, a magistrate of New Hampshire, III. 403.

*Hutchinson*, Mrs. Ann, comes to New England, I. 472; her conduct on the voyage, 473; her errors described by Winthrop, *ib.*; begins to hold meetings for women, 474; attracts a strong party, *ib.*; ministerial interference with, 475; proceedings against her and her partisans, 485; banished from the colony, 486; admonished and excommunicated by the Boston church, 488; leaves the colony, 489; reflections on the proceedings against her and her party, *ib.*; her movements after her banishment, 511; her activity at Aquetnet, 512; removes from Rhode Island, 606; is murdered by the Indians, 609, *n.*

*Hutchinson*, Capt. Edward, son of Ann Hutchinson, sent on a conference with the Nipmuck Indians, III. 158; its unfortunate result, 159; his death, 162.

*Hutchinson*, Eliakim, left out of the Council, IV. 322, *n.*

*Hutchinson*, Foster, judge, will not accept of the support of the crown, V. 478.

*Hutchinson*, Col. John, memoirs of the life of, quoted, I. 276, 280, 282.

*Hutchinson*, Thomas, "History of Massachusetts," quoted, I. 15, 50, *n.*, II. 8, *n.*, III. 231, *n.*, 305, *n.*; his judgment of witchcraft, IV. 117; quoted, 387, *n.*; his scheme for funding the debt, 550; treats with the mob on the occasion of the impressment of seamen, V. 90; his scheme for redeeming the paper currency, 98; proposal of, to redeem the bills of credit with the gold coin received from England, 107; his plan adopted by General Court, 108; speaker of General Court, *ib.*; appointed commissioner to treat with the Eastern Indians, 110; represents Massachusetts in a confirmation of peace with the Five Nations, 121; interests himself in the exiled Acadians, 137; extract from his address concerning acts of Parliament, 155; appointed lieutenant-governor of Massachusetts, 155, *n.*, 176, *n.*, 237; history quoted, 196; his devotion to public office, 230; appointed to office of chief-justice, *ib.*; resists Otis's measure to make gold a legal tender, 247; the hostility of the General Court to, 249; chosen as agent to England, but the appointment revoked, 265; prepares a memorial to Parliament for the repeal of the Sugar Act, 278; his influence over the legislature in their action on the Sugar Act, 315; persecution of him by the mob for his action concerning the Stamp Act, 321, 322; removal of, from the Council, 356; omitted from the Council, 367; the Court deny his

right to sit in Council, *ib.*; magistrate in the absence of Bernard, 404; promised an office by Bernard, 406; a graduate of Harvard College, 405, *n.*; obliged to remove the troops from Boston after the massacre, 419; holds the Court at Cambridge under orders from the king, 431; asks a grant of salary, 433; accused by the court of wrong to the province, 435; his strategy concerning the collection of the province debt, 439, *n.*; his triumph in holding the Court at Cambridge, 440; the House makes him a grant of salary, 441, 443; appointed governor of Massachusetts, 442; refuses to remove the Court from Cambridge to Boston, *ib.*; the continued dispute between the House of Representatives and, 443-449; requests the Court to repair the Province House for his occupancy, 443-453, *n.*; announces to the Court the provision of Parliament for his salary, 444; his opening speech to the new Court, 445; disputes with the House the assessment of the English commissioners, 447, 448; allows the Court to adjourn to Boston, 452; the question of his salary agitated in the House, *ib.*; discussion between the House and, concerning the judges' salaries, 456; his services in a commission to establish the boundary between New York and Massachusetts, 461, *n.*; his letters to the English ministry unfavorable to Massachusetts leaders sent by Dr. Franklin to the House of Representatives, 462; his correspondence with the House concerning the letters, 463; signifies to the Court the king's disapprobation of the committees of correspondence, 476; refuses to remove Justice Oliver from office, 479; opposes the impeachment of Peter Oliver, 482; hearing before the Privy Council for his removal from office, 484; the petition for his removal dismissed by the lords and committee, 485; his departure for England, 486; offered the position of postmaster-general in America, *ib.*; his character portrayed, 487; his estimation of Otis and Adams, 489; compared with Thacher, Bowdoin, and the Quincys, *ib.*; leaves Boston for England, 531.

*Hutchinson*, William, his character as described by Winthrop, I. 472, 512; chosen judge at Aquetnet, 512; elected judge at Portsmouth, Rhode Island, 514; reunites with the settlement at Newport, 515; chosen assistant at, *ib.*; his death, 606.

*Hyde*, Edward, Earl of Clarendon, some account of, II. 424; his flight to the continent and death mentioned, 444; falls from power, 542; his scheme for



reducing New England, 578; his answer to a petition from Massachusetts, 607; letter of, to Governor Winthrop, of Connecticut, III. 238, n.

*Hyde*, Henry, second Earl of Clarendon, lord-lieutenant of Ireland, dismissed from office, III. 456; his administration of the office, 470; joins the Prince of Orange, 475.

*Hyde*, Lawrence, Earl of Rochester, made lord treasurer, III. 447; dismissed from that office, 456.

"*Hypocrisie Unmasked*," by Winslow, II. 210.

# I.

*Iceland*, colonized by the Northmen, I. 52.

*Immorality* of the court of James I., I. 276.

*Impeachment* of Lord Bacon, I. 257.

*Impressment* of seamen at Boston by Shirley, V. 88; assemble and revenge themselves, 89; action of the General Court concerning, 90.

*Importations*, a duty imposed upon, by Legislature of Massachusetts, IV. 404, 405.

*Independence* of churches in New England, II. 165.

*Independence* for the colonies, a jealousy in England for fear of, V. 244.

*Independents*, their position in the "Westminster Assembly," II. 81; their connection with New England, 83; difference between the Brownists and, *ib.*; Independent members of the Assembly and of Parliament, 86; their struggle with the Presbyterians, 88; politics of the, 92; their strength in the army, 94; triumph over the Presbyterians, 96, 106; their agency in the first civil war, 100; Independency in New England, 166.

*Indians*, attack on Gosnold's company by, I. 73; attack on the Plymouth colonists by, 170; conspiracy of, against the colonists of New England, 201; not to be allowed the use of firearms, 320; embassy of, from Connecticut River, 328; alarm from, 361; of Connecticut, 605; efforts for their conversion, II. 186; early indications of their readiness to receive Christianity, 187; how treated by the colonists of New England, III. 137; their probable numbers in Massachusetts and Plymouth at the time of the settlement, *ib.*; purchases of land from, by the colonists, 138; protected by the law, *ib.*; humanely treated by the colonists, 139; success of the attempts to Christianize them, 141; number and condition of the Praying Indians, *ib.*; attack the town Swanzy, 155, attack Taun-

ton, Middleborough, and Dartmouth, 157; their operations at Brookfield, 159; assault Deerfield and Hadley, 163; their operations at Northfield, 165; the number of, in New England at the time of Philip's war, 167; surprise at Bloody Brook, 169; attack Springfield and Hatfield, 171; assault and sack Lancaster, 183; Mrs. Rowlandson's captivity among, 185; new victories over the English, 189; defeat the English at Sudbury, 192; are defeated at Turner's Falls, 194; and turn the defeat into a victory, 195; conduct of the Praying Indians, 199; treatment of them, 200; operations of the Eastern tribes, 206; termination of the war, 213; their ingratitude, 216; renewed uneasiness among the, 563; number and condition of, in New England, IV. 29; attack of, at Dover and Oyster River, 32, 34; treacherous communication between French priests and, result in a massacre, 35; expedition to the Kennebec region commanded by Major Church, *ib.*; make a second attack on Oyster River, Portsmouth, &c., 151; a succession of massacres near Saco, Dover, &c., 153; attack the French Protestants in Worcester County, *ib.*; attack Haverhill and Exeter, 156; another conspiracy among the Eastern Indians, 186; a reward offered for Indian scalps, 268; make another peace with Dudley, 287; adaptability of the French soldier to the character of, V. 119; invasions of, in New Hampshire, 184.

*Indians*, North American. See *Aborigines*.

*Indolence* of the aborigines, I. 32.

*Indulgence*, declaration of, withdrawn, III. 18; issued by James the Second, 460; a second published, 462.

*Inferior* courts established, II. 15, 16.

*Ingersoll*, Jared, agent in England for Connecticut, V. 288, 305, 305, n.; quoted concerning his action on the Stamp Act, 306; made distributor of stamps in Connecticut, 319; forced to resign his office of stamp distributor, 325; letter to the people of Connecticut, 326, n.

*Inheritance*, law of, in Plymouth, II. 20; in Massachusetts, 29, III. 44; in Connecticut, 61.

*Insects* of New England, I. 18.

*Inspection* laws in Massachusetts, III. 52.

*Insurrection* in New Hampshire excited by Edward Gove, III. 411.

*Intentions* of marriage to be published, I. 552.

*Intestates*, laws of Massachusetts and Connecticut concerning the estates of, IV. 579, n.

*Intrusion*, writs of, issued by Andros, III. 551.

*Ipswich*, settlement at, forbidden, I. 319; plantation begun at, 369; a frontier settlement in 1633, 372; resists Andros's imposition of taxes, III. 525; trial and punishment of leading citizens of, 526.

*Ireland*, rebellion in, I. 573; war in, between the royalists and Parliament, II. 273; Cromwell appointed to command in, 274, *n.*; his plan for transferring the New England people to, 389; despotism of James the Second, in, 470; distress of Englishmen in, 472; relief sent from, to the impoverished colonies, III. 230.

*Ireton*, his conduct at Naseby, II. 99.

*Irish* Presbyterians, settlement of Londonderry, New Hampshire, by, IV. 461; dissatisfied with their land grant in New Hampshire, 462, *n.*

*Iron*, smelting of, in New England, II. 53; works commenced at Braintree, 233.

*Iroquois*, the, I. 23; make war upon the Hurons and alarm the French, II. 305; Andros's visit to the, III. 563.

*Iroquois* Indians, their intelligence and courage, IV. 38; extent of their territory and power, *ib.*; names of the tribes which they embraced, *ib.*; the population of, 39; their friendship for the English, *ib.*; devastation of Montreal by the, 40; advise the English to attack Quebec, 43; refuse a peace with the French, *ib.*; intrigues of De Callières with, 258.

*Irvine*, Mr., Boston, attacked by a mob, V. 387, *n.*

*Itinerant* preaching, testimony of ministers concerning the effects of, V. 19.

*Iyannough*, a Nauset chief, I. 184.

## J.

*Jacob*, Henry, institutes the first Independent church in London, II. 83, *n.*

*Jacobs*, George, accused of witchcraft, IV. 105.

*Jacobs*, Margaret, accused of witchcraft, letter to her father, IV. 108, *n.*

*Jackson*, R., mentioned, V. 218, *n.*, 229, 261, *n.*, 263; agent for Connecticut, argues the Stamp Act in Parliament, 287; chosen to succeed Mauduit as agent, 316, *n.*; discharge from his agency in London, 370, *n.*

*Jamaica*, conquest of, by the English, II. 297; Cromwell's plan for transferring the New England people to, 390; mentioned, IV. 17, *n.*

*James* the First, his accession to the throne, early education and character, I. 126, 240; his reception of the millenary petition, 127; his proclamation for Episcopacy, 128; his conduct at Hampton Court, 129; his requirement

of conformity, 130; his learning, 240; his proclamation prohibiting the emigration of Nonconformists without special license, 242; conduct of, at his accession, 243; imposes illegal duties on imports, 251; discontinuance of Parliaments, and expedient to obtain a revenue, *ib.*; surrenders the Dutch cautionary towns, 253; espouses his daughter to Frederic, Count Palatine, 255; increase of dissensions between Parliament and, 258; his rage against the House of Commons, 260; his death, and progress of popular principles in his reign, 263.

*James*, Duke of York, afterwards James the Second, a patent of the country between the Connecticut and Delaware granted to, II. 580.

*James* the Second, accession of, to the throne of England, III. 446; announces a liberal policy, *ib.*; proceeds to arbitrary measures, 447; his haughty treatment of his Parliament, 448; his cruel treatment of the Duke of Monmouth, 450; claims a dispensing power, 453; summons Catholics to the Privy Council, 455; his encroachment on the Church of England, and apparent lenity towards Dissenters, 459; attacks the University of Cambridge, 460; quarrels with Magdalen College, Oxford, 461; his second declaration of indulgence, 462; estrangement of the clergy from, *ib.*; his reception of the memorial of seven bishops, 464; birth of a Prince of Wales, 467; suspicions of fraud, 468; proves the legitimacy of the Prince of Wales, 469; his despotism in Scotland, *ib.*; and in Ireland, 470; sends commissioners to the Prince of Orange, 475; flees from his palace to Feversham, and is arrested, *ib.*; quits the kingdom, 476; opposes the plan of a House of Assembly in New England, 483.

*James* the Sixth, prevalence of witchcraft in his reign, IV. 125.

*James*, Rev. Thomas, settled at Charlestown, I. 359.

*James* the Printer, a "Praying Indian," his treachery and submission to the colonists, III. 199.

*Jamestown*, feeble state of the colony at, I. 190; represented in General Assembly, IV. 466; mentioned, 585.

*Jane*, Dr. —, IV. 10.

*Jay*, John, quoted concerning independence for the colonies, V. 214, *n.*

*Jefferson*, Thomas, member of Virginia committee, V. 461.

*Jefferys*, —, removed from the post of secretary, IV. 850.

*Jeffreys*, George, lord chief-justice, the judicial character of, III. 392; advises the king to arbitrary measures, 445;



- recommissioned as lord chief-justice, 447; his judicial "campaign" after the insurrection of Monmouth, 451; made lord chancellor, 455.
- Jeffries*, David, quoted, IV. 48, *n*.
- Jekyll*, John, quoted on the manufactures of Massachusetts, IV. 397.
- Jenckes*, Joseph, associated with Richard Partridge as agent for Rhode Island in England, IV. 473; sent to England from Rhode Island concerning her boundary line, 485, 486; his disapproval of bills of credit, 588; appointed governor of Rhode Island, *ib.*; his appeal to the king, 589.
- Jenkins*, Sir Leoline, secretary of state, III. 335, *n*.
- Jenkinson*, Charles (Earl of Liverpool), his proposal of the stamp duties for the colonies, V. 287.
- Jenyns*, Soame, his "Objections to the Taxation of our American Colonies," cited, V. 289, *n*.
- Jesuit* missionaries on Mount Desert, I. 234.
- John* of Gaunt, Duke of Lancaster, befriends Wickliffe, I. 104.
- John* of Leyden, proclaimed king of the Anabaptists, at Munster, II. 348, *n*.
- John*, sagamore of the Nipmucks, surrenders to the English, III. 204.
- Johnson*, Edward, his "Wonder-working Providence," cited, I. 177, *n.*, 307, *n.*, 317, *n.*, 321, *n.*, 325, *n.*, 493, 549, II. 11, *n.*, 49, *n.*, 50, *n.*, 53, *n.*, 62, *n.*, 169, *n.*, 289, *n.*, 270, *n.*; one of the commissioners to Gordon's company at Shawomet, II. 132.
- Johnson*, Isaac, assistant of Massachusetts Bay, I. 303; death of, 315; and Winthrop's tribute to, *ib.*
- Johnson*, Lady Arbella, death of, I. 315.
- Johnson*, Samuel, D.D., life and correspondence of, mentioned, IV. 372, *n*.
- Johnson*, Stephen, Lyme, Conn., endeavors to excite the people of Connecticut against the Stamp Act, V. 516.
- Johnson*, William, marries the daughter of a Mohawk chief, V. 138; commands an expedition against Crown Point, *ib.*; wounded at the battle of Wood Creek, 141; made a baronet, *ib.*; builds Fort William Henry on Lake George, 142; in command of forces in New York, 145; his disaffection with Shirley, 145, *n.*; mentioned, 153; capture of Fort Niagara by, 165; joins Amherst with troops at Montreal, 171.
- Johnston*, Augustus, of Rhode Island, resigns his position as stamp distributor, V. 325; refuses to act as stamp distributor, 504, *n.*; the question of indemnity for, considered, 506.
- Jones*, Colonel, defeats the king at Chester, II. 100.
- Jones*, Margaret, executed for witchcraft, IV. 97.
- Jones*, William, deputy-governor of Connecticut, IV. 228.
- Jonson*, Ben, ridicules Puritan morality, I. 276.
- Josselyn*, John, his "account of two voyages," quoted, I. 1, *n.*, 16, *n.*, 27, *n.*, 30, *n.*, 70, *n.*, II. 62, *n.*, III. 38, 39.
- Josselyn*, Henry, disputes the authority of Massachusetts over the county of York, II. 633.
- Journal* of the House of Representatives quoted, V. 370, *n.*; extract from, 383, *n*.
- Judicatories*. See *Courts of Justice*.
- Judicial* office, tenure of, IV. 77, *n*.
- Judicial* processes in Massachusetts, III. 43; in Connecticut, 59.
- Judges* of Massachusetts, provision of Parliament for the salaries of, V. 454; the House of Representatives demand of the judges their decision concerning their salary, 467.
- Juries*, and trial by, in New England, II. 18.
- Justices* of the peace appointed in Massachusetts, I. 318.
- Juxon*, Bishop, IV. 340, *n*.

## K.

- Katahdin*, Mount, height of, I. 6.
- Keayne*, Captain Robert, his difficulty with Mrs. Sherman about a stray sow, I. 618.
- Keene*, New Hampshire, Indian invasions at, V. 184.
- Keith*, Sir William, his proposal for taxing the colonies, V. 94; governor of Pennsylvania, proposed the extension of the stamp duties in the colonies, V. 287.
- Kennebec* patent, brought over to Plymouth by Allerton, I. 230; confirmed and enlarged, II. 368.
- Kennebec* River, I. 7, 8; attempted settlement on, 83; affray on, between parties from Plymouth and Massachusetts, 338.
- Kent*, Benjamin, V. 415, *n*.
- Kent*, insurrection in, I. 116.
- Kent*, Conn., settled, IV. 576, *n*.
- Kennett*, English author, IV. 384, *n*.
- Keppel*, Admiral, meets the colonial governors in council at Alexandria, V. 130.
- "*Keyes*, The, of the Kingdom of Heaven," a treatise by John Cotton, II. 90.
- Kialarnes*, Cape, name given by the Northmen to Cape Cod, I. 54, 55.
- Kick*, Abraham, obtains the queen's favor for Mather, IV. 71, *n*.
- Kidd*, William, his proposal to seize some pirates, IV. 180; commands a

- privateer, 181; his criminal arrangement with Governor Fletcher, 181, *n.*; his piracies in the East, 182; his arrival in Boston with spoils, 184; convicted of piracy and executed, 185.
- Kieft*, William, governor of New Netherland, I. 625; his unfriendly dealings with the English, *ib.*; displaced, and succeeded by Stuyvesant, II. 202; his death, *ib.*, *n.*
- Kilby*, Christopher, agent in England, V. 52, *n.*
- Killingly*, Conn., IV. 474, *n.*
- Killingsworth*, town of, IV. 872.
- Killington Peak*, situation and height of, I. 5.
- Kilroy*, —, a British soldier on trial for shooting in the Boston Massacre, V. 422.
- King*, Bishop, mentioned, V. 218, *n.*
- King*, Colonel Richard, extract from his "Journal of the Expedition against Quebec," IV. 282, *n.*
- King's Chapel*, V. 220.
- King's Province*, the country of the Narragansett Indians so called, II. 603.
- Kingston*, town of, Rhode Island, III. 114.
- Kingston*, Indian depredations at, IV. 437; represented in General Assembly, 466.
- Kingsley*, Professor, IV. 495, *n.*
- Kinsman*, Robert, fined and imprisoned, in Andros's administration, III. 528.
- Kirk*, Col. Piercey, appointed governor of New England, &c., III. 394.
- Kirk*, Sir William, captures Port Royal and Quebec from the French, I. 235.
- Kirkland*, Rev. M., V. 561.
- Kiss*, —, wounded in a fight with Indians, IV. 442.
- Kittery*, settlement at, II. 383; annexed to Massachusetts, 386.
- Knight*, Madam, her journey from Boston to New York, IV. 375, *n.*
- Knollys*, Hansard, settles at Cochecho as minister, I. 519; slanders the colonial government, 520; his quarrel with Mr. Larkham, 590.
- Knowles*, Commodore Charles, makes an impressment of seamen, V. 88; resigns the governorship of Jamaica, 145.
- Knor*, John, opposes Cox, bishop of Ely, I. 118; adopts the Presbyterian polity of Calvin, II. 73.
- Krossanes*, name given by the Northmen to Point Allerton, I. 55.
- L.**
- Laconia* grant to Gorges and Mason, I. 205.
- La Fayette*, Mount, situation and height of, I. 6.
- Lakes of New England*, general character of, I. 2, 9.
- Lambert*, General, ambitious projects of, II. 418; quarrels with the Parliament, 419; meets with disaster, 421; is tried and sentenced to death, but his punishment is commuted, 430; close of his life, *ib.*
- Lamberton*, Captain, loss of his ship, II. 237.
- Lancaster*, description of, III. 182; assaulted and sacked by the Indians, 183; Massachusetts, mentioned, IV. 30; assault on, by Indians, 266.
- Lancastrian kings*, religious policy of the, I. 106.
- Land Bank*, the scheme of a, revived in Massachusetts, IV. 550; discouraged by the Privy Council, 550, *n.*, 551, *n.*; Governor Belcher pronounces against it, 551; failure of the enterprise, 552; suppressed by Parliament, V. 54; vote of the General Court to revive, 99; act of Parliament restricting the, *ib.*, 100; failure of the scheme, *ib.*
- Lane*, Prof. George M., Harvard College, quoted concerning some poetical effusions, V. 218.
- Languages of the aborigines*, I. 40.
- Larkham*, Thomas, settles at Dover, I. 589.
- Larned*, Miss, her "History of Windham Co." cited, V. 302, *n.*
- La Salle*, French explorer in America, V. 171.
- La Tour*, Claude Etienne de, quarrels with D'Aulnay in Acadie, II. 144; seeks aid from Massachusetts, 145; fits out an expedition from Boston, *ib.*; visits Boston a second time, 146; visit of his wife to Boston, 148; is defeated by D'Aulnay, 200; death of his wife, *ib.*; his dishonesty towards his Boston friends, *ib.*; his varied fortunes, 285; Cromwell makes him a proprietor of Nova Scotia, 286.
- Laud*, William, Archbishop of Canterbury, advancement of, I. 268; succeeds to the primacy, 367; letter to, from George Burdett, 518, *n.*; his tyranny, 562; impeached of high treason and executed, 572.
- Law*, John, Milford, lieutenant-governor of Connecticut, IV. 576, *n.*; appointed governor of Connecticut, 584, V. 28, 192; favored union of Church and State, 29; death of, mentioned, 199.
- Laws*, committee to prepare a code of, in Massachusetts, I. 442; II. 260; revision of, III. 40, 348; of Connecticut, 57; passed in New England, repugnant to the laws of England, repeal of, demanded, 309.
- Lawrence*, Lieutenant-Governor, of Nova Scotia, V. 132; his plan for expelling the French Neutrals from Nova Scotia, 133; quoted, 163, *n.*

- Laws of Trade*, orders of Pitt concerning the violation of, in the colonies, V. 235.
- Lawson*, Deodat, interested in the witchcraft excitement, IV. 102, *n*.
- Lawson*, Roger, charged with illicit trading, IV. 299.
- Lawyers*, mention of, in Connecticut, IV. 232.
- Leader*, Richard, elected councillor in Maine, II. 384.
- League and Covenant*, I. 579.
- Lebanon*, Connecticut, IV. 474, *n*.
- Lechford*, Thomas, the first lawyer in New England, punished for pleading out of court, I. 553; his "Plain-dealing," cited, 591, *n*, II. 8, *n*, 10, *n*, 35, *n*, 44, *n*, 119, *n*.
- Lectures* postponed in Massachusetts in the Antinomian controversy, I. 477.
- Lecturers*, employed by the Puritans, I. 295, *n*.
- Leddra*, William, a Quaker, execution of, II. 480.
- Lee*, Arthur, Virginia, proposed as agent in England, 441; counsel in London, V. 466; petition of, against the Boston Port Bill, 524.
- Lee*, General Charles, V. 385, *n*.
- Lee*, John (solicitor-general), counsel for prosecution in the hearing against Hutchinson, V. 484.
- Lee*, Richard Henry, mentioned, V. 460, *n*; member of Virginia committee, 461; represents Virginia in the first Congress, 538.
- Leete*, William, at Quinnipiac, I. 534; settles at Guilford, *ib*; deputy-governor of New Haven, II. 501; unwilling to aid in the capture of the regicides, *ib*, 503; his consequent embarrassments, 517; an assistant of Connecticut, 596; president of the Federal commissioners, 631; deputy-governor of Connecticut, III. 114; his death and character, *ib*; governor, 442.
- Legislature*, provided for under the second charter, IV. 81; address of Governor Dudley to, 248; rejection of the proposals of Governor Dudley, 249, 251; the diversity in the constitution of the two bodies of, 251; their action concerning the salary of Governor Shirley, V. 55. See *General Court*.
- Leigh*, Lord, visit of, to Boston, and return to England, I. 482.
- Leisler*, Jacob, condemned to death by Dudley, IV. 164; governor of New York, his cruel fate mentioned, 149, 223; militia sent from Connecticut to his defence, 221; attempt to court-martial Fitz-John Winthrop, *ib*.
- Lenerson*, Samuel, escaped from captivity, IV. 156, *n*.
- Lenthal*, Robert, first schoolmaster at Newport, II. 48.
- Leonard*, Daniel, member of a committee protesting against holding Court at Cambridge, V. 444.
- Lerett*, Christopher, his voyage published in the Massachusetts Historical Collections, I. 206.
- L'Escarbot*. See *Escarbot*.
- Leslie*, Alexander, commands the Scottish force against Charles I., I. 568; becomes Earl of Leven, and a second time invades England, and defeats Montrose, II. 100.
- Leslie*, David, commands the Scottish forces against Cromwell, II. 277.
- Leslie's* "Short and Easy Method with Deists," cited, V. 218, *n*.
- Letter-Office*, established in Boston, IV. 329.
- Leverett*, John, a subaltern of Cromwell, I. 585; commands part of the expedition against the Narragansetts, II. 226; associated with Sedgwick in the expedition against New Netherland and Acadie, II. 285; some account of, *ib*, *n*; a commissioner to the Dutch, 315; commander of colonial forces, 316; agent for Massachusetts in England, 388; succeeds Bellingham as governor of Massachusetts, III. 92; one of the umpires between Plymouth Colony and Philip, 149; his reception of Edward Randolph, 285; his qualifications for government, 328; his death, 329.
- Leverett*, John, member of the corporation of Harvard College, IV. 193, *n*; sent to confer with Lord Lovelace, 275; elected president of Harvard College, 318, V. 404, *n*; his religious influence at Harvard College questioned by General Court, 416.
- Leverett*, Thomas, lands granted to, on Muscongus Bay, I. 523.
- Leverich*, Rev. William, minister at Dover, I. 517; his labors among the Indians, II. 341.
- Lévis*, Chevalier de, succeeds Montcalm in command of French troops, V. 170; failure of an attempt by, to retake Quebec, *ib*.
- Lexington*, the attack of the British troops upon, V. 563.
- Leyden*, description of, I. 140; the Scrooby congregation remove to, *ib*, *n*; its university, 141; disturbances at, 145; renewed emigration from, to New England, 331, 333.
- "*Liberty*," the king's sloop, stripped and scuttled at Newport, V. 506, *n*.
- Liberty Tree*, the, in Boston, V. 319; mentioned, 474.
- Libraries* of ministers and others, in New England, II. 45.

- Lightfoot*, John, English divine, IV. 384, *n.*
- Lilburne*, John, punished by the Star-Chamber, I. 563; turns Quaker, II. 457.
- Liquors*, bill in General Court for an excise upon the use of wines and, V. 126; Shirley's objection to it, *ib.*; it becomes a law, 127.
- Lisle*, Lady Alice, her trial and execution, III. 451.
- Litchfield*, Connecticut, IV. 474, *n.*; dispute concerning a grant of land near, to Hartford, 577.
- Little Compton*, Rhode Island, IV. 586.
- Little*, Isaac, rejected as councillor by Burnet, IV. 523.
- "*Little James*," arrival of the, at Plymouth, I. 211.
- Liveen*, John, the controversy of the Hallam brothers over his will, IV. 490.
- Livingston*, Philip, among the commissioners for settling the boundary of Massachusetts, IV. 556.
- Livingston*, Colonel Robert, IV. 180, 278, *n.*
- Livius*, Peter, submits charges against Governor Wentworth to the Privy Council, V. 502.
- Lloyd*, Mr., married a daughter of Governor Belcher, IV. 568, *n.*
- Locke*, John, English philosopher, IV. 384, *n.*; his "Toleration" reprinted in Boston, V. 218, *n.*
- Locke*, John, III. 24; secretary of the Council for Foreign Plantations, 33; concerned in the passage of the Toleration Act, IV. 9; commissioner of the Board of Trade, 21.
- Lollards*, penal laws against the, repealed, I. 111.
- London*, occupied by Fairfax's army, II. 106; occupied by the army a second time, 110; plague and fire in, 442; charter vacated by Charles the Second, III. 259.
- London*, Bishop of, member of Privy Council, IV. 20, *n.*
- London Company*, South Virginia assigned to the, I. 82; Smith's connection with the, 91; his services again solicited by the, but declined, 94; ill success of the, 190.
- London partners*, settlement of the Plymouth colonists with the, I. 597.
- Londonderry*, New Hampshire, settlement of, by Irish Presbyterians, IV. 461.
- Long Island*, attached by nature to New England, I. 8; annexed to New York, II. 595.
- Long Parliament*, its first measures of reform, I. 572; its prorogation, 573; forms a "solemn League and Covenant" with the Scots, 579; passes the "Self-denying Ordinance," II. 97; its authority defied by the army, 110; expulsion of the Rump of the, by Cromwell, 288.
- Lord*, Joseph, IV. 559, *n.*
- Lords of the Committee of Trade and Plantations*, a standing committee of the Privy Council, III. 275; consultations and projects of the, 280; their advice on the claims of Mason and Gorges, 281; advise the enforcement of the laws of trade, 290; advise a *quo warranto* against the charter of Massachusetts, 317; petition to, from Mather and his associates, 565.
- Lords of Trade*, look to New Hampshire for naval stores, IV. 216; complaint of Dudley to, concerning Rhode Island, 355, 356; inquire of Governor Bernard concerning the manufactures and trade of Massachusetts, V. 262; orders of, concerning the enforcement of revenue, 262, *n.*; offended at the proceedings of the General Court on the adoption of the Sugar Act, 277, *n.*
- Lothrop*, Barnabas, left off the Board of Councillors, IV. 254.
- Lothrop*, Captain, commands a company of Massachusetts troops in Philip's war, III. 162; engaged in the affair at Sugar-Loaf Hill, 163; commands the English at Bloody Brook, and is killed, 169.
- Lothrop*, Rev. S. K., "History of the Church in Brattle Street," cited, IV. 191, *n.*
- Loudoun*, Earl of, expected to command the forces in North America, V. 145; assumes command of the troops in America, 150; attempts a descent on Louisburg and fails, 151; his quarrel with Massachusetts concerning the quartering of troops, 154; asks for troops from Massachusetts, 156; relieved from the command of the troops, 157; organized companies in New Hampshire for defence against Indians, 190.
- Louis Fourteenth*, his power and resources, III. 4; his position in reference to Charles II., 9; his religious views, 10; forms a treaty with Charles II., 12; his war with Holland a success, 28; persuades Charles II. not to call a Parliament, 270; revokes the Edict of Nantes, 458; stirs up dissensions between James II. and his subjects, 458; mentioned, IV. 6.
- Louisburg*, the French fort at, V. 60; Shirley's proposal to seize the fort at, 61; the scheme adopted by the Court, 64; arrival of Pepperell with the troops at Canseau, 67; preparations for the attack, *ib.*; arrival of Commodore Warren with the fleet, 69; attack made by Colonel Vaughan, 70; the landing at, *ib.*; a French supply

- ship captured by Commodore Warren, 71; repulse of the English in a boat attack on, 72; progress of the siege, 73; capitulation of the French garrison at, *ib.*; rejoicings in Massachusetts over the surrender of, 75; news of the surrender in England, 78; importance of the conquest to England, 79; visited by Governor Shirley, 81; opinions of Shirley, &c., concerning the value of the conquest of, 91; surrender of, in the treaty of Aix-la-Chapelle, 91, 93; the severe climate of, 92, *n.*; what the expedition to, cost Massachusetts, 101; surrender of, to Sir Jeffrey Amherst, 163.
- Lovelace*, Francis, succeeds Nicolls as governor of New York, III. 108; arrival in New York as governor, IV. 275.
- Lovell*, James, delivers a 5th of March oration, V. 423, *n.*
- Lovell*, John, a writer of verses, V. 218, *n.*
- Lovewell*, John, bounty paid him for the scalps of Indians, IV. 440; his fight with Indians at Piggwacket, 441; killed in the fight, *ib.*; ballad commemorating his fight, 442; mentioned, V. 191.
- Lovewell*, Zacheus, commands New Hampshire troops at Ticonderoga, V. 191.
- Lowell*, James Russell, mentioned, IV. 123, *n.*
- Ludewig*, Mr., quotation from his "Literature of American Aboriginal Languages," I. 19.
- Ludlow*, Roger, chosen an assistant, I. 823; elected deputy-governor, 378; falls into disgrace, 429; chosen deputy-governor in Connecticut, 537, 604; settles at Fairfield, 538; appointed to draw up a code of laws, II. 235; his character, 412; departure from New England, 413.
- Luther*, his church polity, what, and where adopted, II. 71.
- Lyde*, Byfield, a son-in-law of Governor Belcher, mentioned, IV. 540, *n.*; displaced from office of collector of customs, V. 46, *n.*
- Lyford*, his conduct at Plymouth, I. 219; his trial, conviction, and removal, 220; repeats his injurious statements against the Plymouth colonists, 221; is deposed from the ministry, *ib.*; makes trouble between the settlements at Plymouth and Cape Ann, 223; minister at Cape Ann, 286.
- Lygonia* or plough patent, the, I. 594; purchased by Alexander Rigby, 595; annexation of, to Massachusetts, II. 387; titles under, declared invalid by the royal commissioners, II. 622.
- Lyman*, Major-General Phineas, commands New England troops in an expedition against Crown Point, V. 139; the defeat of Dieskau at Lake George due to, 201; despatched against Havana with troops, 301.
- Lynde*, Joseph, a victim of Andros's writs of intrusion, III. 151.
- Lynde*, Joseph, left out of the council, IV. 322, *n.*
- Lyndon*, Josias, made governor of Rhode Island, V. 507.
- Lyttelton*, Lord, mentioned, V. 353.

## M.

- Machias*, attack of the French on, I. 338.
- Madoc*, his alleged voyage to America, I. 59.
- Magdalen* College, Oxford, quarrel of James II. with, III. 461.
- Magistrates*, lists of, in the several colonies, I. 635, II. 637, III. 601; in the colonies, II. 9; attempt to abridge the power of, in Massachusetts, 158.
- Mahomet*, Indian sachem, IV. 365, *n.*
- Mahon's* "History of England," cited, V. 486, *n.*
- Maidston*, John, letter to John Winthrop, Jr., II. 542, *n.*, III. 235, *n.*
- "*Maidstone*," the king's ship at Newport, V. 505, *n.*
- Maine*, superficial measurement of, I. 3; character of highlands, 6; size of rivers in, 9; coast of, visited by Weymouth, 76; by De Monts, 78; *district system* of representation in, 382; boundaries of, 525; origin of the name, *ib.*, *n.*; government of, under Gorges, 526; divided into two counties, 527; number of its towns in 1850, II. 12; independent government organized in, 383; annexation to Massachusetts, 384; conflicting claims to the lands of, 620; proceedings of the royal commissioners in, 622; restoration of the authority of Massachusetts in, 632; description of, by the royal commissioners, III. 38; Indian war in, 206; condition of, after the Indian war, 214; decided by the judges not to be within the limits of Massachusetts, 307; political condition of, after the Indian war, 399; deputies from, admitted to the General Court of Massachusetts, *ib.*; institution of a provincial government for, by Massachusetts, 400; probable population of, in 1679, 402; history during the presidency of Dudley, 508; comprehended within Andros's government, 532; condition of, under Palmer and West, 533; an expedition made into, under Captain Church, IV. 52; devastation in, owing to war, 287; order of General Court concerning settlers in, 338, *n.*; enlist-



- ments from, V. 111; the settlement and trade of in 1743, *ib.*
- Maitland*, John, Earl and Duke of Lauderdale, one of the Cabal ministry, III. 11; complained of by the House of Commons, 21.
- Maize*, not indigenous in New England, I. 27.
- Malabar*, name given by the French to Nauset Harbor, I. 78.
- Maltby*, —, an English dissenter, IV. 560.
- Malte Brun*, "Précis de la Géographie," cited, I. 56, *n.*, 60, *n.*
- Manchester*, Edward, Earl of, made lord chamberlain, after the Restoration, II. 425.
- Mandamus* respecting the Quakers, sent to Massachusetts, II. 519.
- Manhattan*, Dutch settlement at, I. 235; purchased from the natives, 237.
- Manitou*, signification of, I. 45.
- Manning*, James, first president of Brown University, V. 294.
- Manomet River*, settlement on the, I. 233.
- Mansfield*, John, mentioned, V. 224, *n.*
- Mansfield*, Conn., IV. 474, *n.*
- Mansfield Mountain*, situation and height of, I. 5.
- Manufactures* of the Aborigines, I. 28; in New England, II. 63.
- Map* of New England by Smith, I. 94; by Wood, 360; in 1689, III. 1; by Hubbard, 154; by Seller, 489.
- Mapes*, Walter, his Latin poems, I. 106.
- Maps*, early, of the New England coast, I. 95, *n.*
- Marblehead*, attempt to impress seamen from a vessel at, V. 399.
- March*, Major, engages in a fight with Indians at Damariscotta, IV. 157; attacked by the Indians at Casco, 260; retreats to Casco Bay, 271; leads an attack upon Port Royal, *ib.*; resigns his command in favor of Wainwright, 272.
- Mariana*, the tract of land between Naumkeag and the Merrimac, granted to Mason, I. 204.
- Marie*, a friar, sent on an embassy from D'Aulnay to Boston, I. 149.
- Market* ordered to be kept at Boston, I. 859.
- Markland*, a supposed early name for Nova Scotia, I. 53, 55.
- Marlborough*, Duke of, victories in Europe, IV. 280; banished from the council of George the First, 381.
- Marlborough*, destruction of, by the Indians, III. 189.
- Marquette*, Jacques, French explorer in America, V. 171.
- Marriages*, how contracted in Plymouth, II. 20, 21.
- Marshfield*, settlement of, I. 336.
- Marston Moor*, battle of, II. 70.
- Martha's Vineyard*, discovery of, by Gosnold, I. 72; visited by Pring, 75; Massachusetts authorized to receive it into their jurisdiction, II. 152; labors of Thomas Mayhew, Jr., at, 339.
- Martial law* in Massachusetts, V. 561, *n.*
- Martyn*, Richard, a magistrate and treasurer of New Hampshire, III. 403; dismissed from the government by Cranfield, 408; prosecuted for official misconduct, 414.
- Mary*, Princess, married to William, Prince of Orange, III. 26; proclaimed queen of England, 479.
- Mary*, Queen, her accession to the throne, I. 114; promises to make no alteration in religion, 115; her hard treatment of Protestants, 116; her marriage, *ib.*; her death, *ib.*
- Mascarene*, Capt. Paul, recommended for lieutenant-governor of Massachusetts, IV. 543, *n.*; in command at Annapolis, V. 59, *n.*
- Masham*, Mrs., the queen's favorite, IV. 280.
- Mason*, Arthur, a Boston constable, arrests Sir Robert Carr for disorderly conduct, II. 623.
- Mason*, Capt. John, is highly esteemed by Sir Thomas Fairfax, I. 463; account of, *ib.*; his expedition against the Pequots, *ib.*; his assault on the Pequot fort, 465; his "History of the Pequot War," cited, 467; his narrow escape from death, *ib.*; return of his expedition, 468; engaged in the expedition against the Narragansetts, II. 226; elected deputy-governor of Connecticut, III. 114; publication of his "History," 436, *n.*
- Mason*, Capt. John, the younger, wounded at the Narragansett fort, III. 178; elected an assistant, *ib.*; his death, *ib.*
- Mason*, John, obtains a grant of certain lands in New England, I. 204; made vice-admiral of New England, 402, *n.*; is patron of the plantation at the mouth of the Piscataqua, 522; his death, *ib.*; his will, 523; libels Governor Minuit's ship for carrying on an unlawful trade, 624; account of the descendants of, and their claim to lands on the Piscataqua, II. 618; his claim to territory in New Hampshire, IV. 206; his purchase of land from the sachem Uncas, 364; his controversy with the colony of Connecticut concerning his land claim, *ib.*; the claim decided in favor of the colony, 365, 365, *n.*; death of, in England, *ib.*; appointed to live among the Mohegans as protector, &c., 480; sells his claim to New Hampshire lands, V. 186.

**Mason, Robert**, his prospects of an estate in New England brighten, II. 275; has "a good and legal title to the Province of New Hampshire," 281; judges of England decide the government of New Hampshire not to be vested in, 307; visits New Hampshire, his conflict with the provincial government, and return to England, 406; his bargain with Cranfield, the governor of New Hampshire, 407; quarrels with Cranfield, 408; his claims supported by Cranfield, 412; is appointed chancellor of New Hampshire, and prosecutes his claims with success, 413; a councillor in the provisional government of New England, 485; represents New Hampshire in Governor Andros's council, 534.

**Mason, Stephen**, signs petition for the removal of Dudley, IV. 303.

**Massachusetts**, superficial measurement of, I. 3; situation of, *ib.*; height of mountains in, 5; aboriginal inhabitants of, 20; Huron tribe of Indians, 24; the coast of, visited by Gosnold, 71; origin of the settlement in, 239, 284; grant of, from the Council of New England, 288; charter of the governor and company of, 290; instructions to the planters at Salem, 292; transfer of the charter of the company of, to New England, 301; right of the company of, to convey its charter to America, 306; financial arrangements, 310; Courts of Assistants at Charlestown, 317; their action, 318; General Court in Boston, 321; adoption of new rules for the company of, 322; religious test for the franchise of, 345; scarcity of food in, 363; preparations against the French, *ib.*; complaints against the colonists before the Privy Council, 364; renewal of emigration to, 367; reform of the government in, 371; number of towns and of inhabitants in, *ib.*; condition of the settlers in, 383; freemen and magistrates in, 384; clergy, *ib.*; political rights of the freemen of, 387; answer of the colonists to Lord Say and Sele, and Lord Brooke, 389; recall of the charter of, 391; military commission organized at, 396; *quo warranto* against the company of, 402; elections by ballot in, 420; legislative proceedings in, 431; semi-annual sessions of the General Court, *ib.*; formation of churches in, 432; formation of towns in, 434; Vane chosen governor, 439; institution of a "Council for Life," in, 441; proposal for a code of laws in, 442; freemen allowed to vote by proxy, 443; military organization, *ib.*; question respecting a veto power of the magistrates, 448; emigration from, in 1685,

450; levy of men and money in, for the Pequot war, 462; meeting of magistrates and elders to pacify religious differences, 476; appointment of a fast, 477; increase of excitement, 478; the General Court removed from Boston to Newtown, 480; Winthrop re-elected governor, 481; passage of an alien law, 483; institution of a college in, 548; restriction of the number of deputies, 554; restriction of the "Council for Life," 555; renewed demand from England for the charter, 556; mission to England from, 582; territorial claim of, 587; accession of the New Hampshire settlements to, 592; divided into counties, 593; annexation of Pejepscot to, *ib.*; boundary question with Plymouth, 596; relief law in, 610; disuse of the oath of allegiance in, 614; renewal of the question about a "Council for Life," *ib.*; names of the towns and counties of, in 1643, 617, *n.*; legislature divided into two branches, 618; question about the magistrates' negative, 621; question of dividing the legislative body, 622; position of, in reference to the confederation, 627; object of the planters in establishing the colony of, II. 3; position of the colony of, with respect to the settlements on the Connecticut River, 4; population of, at the time of the confederation, 5; franchise confined to church-members, 8; yearly election of magistrates required by the charter, 9; forms of election of the highest offices, 10; remuneration of the magistrates and deputies, 11; first poll-tax, *ib.*; number of its towns at the confederation, 13; courts in, 15; juries and trial by, 18; equity at first the only law in, 22; rulers opposed to a written code, *ib.*; "The Body of Liberties," 22; capital crimes, 28; laws of inheritance and servitude, 29; revision of "The Body of Liberties," 31; support of and attendance upon the ministry enforced by law, 33; virtues of the planters of, 35; insensible union of Church and State in, 39; first steps in respect to education and schools in, 46; military force at the confederation, 50; refuses to go to war with the Indians, 114; Pawtuxet surrendered to, 120; takes the sachem, of Shawomet under her protections 123; proceedings against Gorton's company, 130; title of, to the lands of Shawomet, 135; her position in the New England Confederacy, 142; her transactions with the French in Acadie, 144; her conduct towards the French censured by the Federal commissioners, 151; dissensions and changes among the magistrates, 154;



cabal in Essex County, 157; dispute between magistrates and deputies, 158; demonstrations of Independence, 161; independence of the churches, 165; cabal of Presbyterians, 166; "Declaration" of the General Court, 174; proceedings against the malecontents, *ib.*; magistrates' seizure of some of Vassal's party, 177; rise of Congregationalism, 179; action of the General Court with reference to the Indians, 188; settlement of the quarrel with D'Aulnay, 201; ordered by Parliament to stay proceedings against the settlers at Shawomet, 206; doubts as to the policy of obeying the mandate from England, 207; representations to Parliament, and to the parliamentary commissioners, 208; reply of the commissioners to the claim of exemption from appeals, 213; number of men for the Narragansett war contributed by, 225; dispute between the magistrates and deputies, 228; dispute with the other colonies, 239; proposal of, for a revision of the Articles of Union, 243; retaliatory action against Connecticut, 248; proposal to reduce the number of deputies in, 252; General Court's dealings with a kidnapper of negroes, 254; disturbance at Hingham, *ib.*; dispute between the magistrates and deputies, 255; freemen choose the Federal commissioners, 260; proceedings for a code of laws, *ib.*; improvements of the revenue system and levy of a poll tax, 261; institution of common schools, 262; population in 1647, as compared with the other colonies, 272, *n.*; difficulty with Plymouth, 312; reluctance to make war upon the Dutch, 314; dissent from the determination of the commissioners, 318; opposes the wish of the other colonies to make war upon the Nyantics, 325; law against Baptists, 346; visit of Clarke and other Baptists to, 351; remarks upon the leading men of, 381; extension of territory, 382; annexation of Maine to, 384; annexation of Lygonia and other settlements to, 387; answer of General Court to Cromwell's plan of removal to Jamaica, 391; prosperity of, 393; revisal and republication of the laws, 394; ecclesiastical law in, *ib.*; virtual independence in respect to England, 398; comes into conflict with other English colonies, especially Virginia, 402; coinage of money, 403; sends an address to King Charles II., 448; and to his Parliament, 449; instructions to the agents in England, 450; proceedings against the Quakers, 465; reflections on the course pursued by, against the Quakers, 485; proceedings against the Bap-

tists, *ib.*; relaxation of ecclesiastical severities, 493; her address to Charles the Second favorably received, 494; proceedings against encroachment from England, 512; relations of the colony to England, 514; Charles the Second proclaimed king, 517; mission of Bradstreet and Norton to England, 521; new coinage, 525; return of Bradstreet and Norton, 526; letter from King Charles the Second abridging the local authority, 527; proceedings of General Court in relation to the king's demands, 528; further questions with Connecticut as to jurisdiction, 552; disputes with Rhode Island concerning lands on the Pawcatuck River, 571; independent position of, 574; action of the General Court upon intelligence of coercive measures, 576; arrival of royal commissioners, 578; response of the General Court to the commissioners, 586; modification of the franchise, 587; petition of the General Court to the king, 588; a meeting of all the inhabitants of, desired by the royal commissioners, 597; dissatisfaction of the king and court with the conduct of, 607; debate between the royal commissioners and the magistrates, 608; *manifesto* of the commissioners, 609; affair of John Porter, 611; form of the oath of allegiance drawn up by the General Court, 614; dissatisfaction of the royal commissioners, 615; rupture between them and the General Court, 616; helplessness of the royal commissioners, 617; their departure from Boston, 618; the General Court assigns lands on the Piscataqua to heirs of Capt. John Mason, *ib.*; jurisdiction over the Eastern settlements asserted, 621; further proceedings of the General Court in reference to the royal commissioners, 622; dispersion of the royal commissioners, 623; displeasure of the king at the conduct of, 624; demand for agents to be sent to England from, 625; action of the General Court upon the king's letter, *ib.*; timely present to the king from the General Court, 629; the General Court rejects the proposal for an expedition against New France, 630; restoration of the authority of, in Maine, 632; probable population of, in 1665, III. 35; description of, by the royal commissioners, 38; number of freemen in, in 1670, 41, *n.*; early pretensions to sovereignty in, 42; courts of justice, *ib.*; judicial processes, 43; inheritances, 44; offences and penalties, 45; militia, 48; religious observances, 49; revenue system, 50; regulations for shipping and commerce, *ib.*; inspec-

tion laws, 52; prohibitions and regulations of trade, *ib.*; municipal and police regulations, 55; dissatisfied with the new plan of confederation, 77; renewed controversy with the Baptists, 88; extension of, to the eastward, 96; abandons her interest in the Pequot lands, 119; proceedings of, respecting the Dutch, 121; formidable preparations for war in, 122; forces sent to the Connecticut River, *ib.*; code of "laws and ordinances of war," 172, *n.*; despatches a force against the Indians of Maine, 209; partial statement of expenses incurred by, during the Indian war, 215, *n.*; impoverished by the Indian war, 230; proceedings in reference to the mission of Edward Randolph, 286; the General Court's "humble petition and address," 292; sends agents to England, 293; instructions to the agents, 294; description of, by Randolph, 296; proceedings in England against, 305; Lords of the Committee report violations of the Navigation Laws, 306; decision against her claims to Maine and New Hampshire, 307; and in favor of the charter of Charles the First as constituting "a corporation upon the place," *ib.*; appearance of her agents before the Privy Council, *ib.*, *n.*; the General Court pass an order to observe the Navigation Laws, 311; buys the province of Maine of Gorges, 312; the charter in danger, 314; the taking of the oath of allegiance enforced, 315; report of the crown lawyers upon the legal condition of, 316; the Lords of Committee recommended a *quo warranto* against the charter of, 317; reply of the agents of, to Randolph, 318; further concessions to the crown, 320; the General Court prepares an address to the king, and sends further instructions to its agents, 321; the Lords of the Committee assail the "liberties ecclesiastical," 324; return of the agents to, 327; parties in, 328; letter from the king by the agents, 333; action of the General Court upon the king's letter, 334; statement of Bradstreet with regard to slavery in, *ib.*, *n.*; letter of the General Court to the Earl of Sunderland, 335; answer of the General Court to the demands of the king, 336; renewed complaints of Randolph, 339; a second letter from the king to, 341; action of the General Court thereupon, 342; agents to England, *ib.*; testimony of Lord Culpepper and others before the Privy Council against, 343; revisal of the laws, 348; reply of the General Court to the king's second letter, *ib.*; another and peremptory letter from the king, 350;

new concessions to the king, 351; despatch of agents to England, 352; Randolph's active hostility to, 354; parties in, 359; the moderate party, *ib.*; the clergy, 360; the popular party, 361; proceedings of the agents of, in England, 369; humble petition sent to the king, *ib.*; new commission and instructions to the agents in England, 372; petition and address of the inhabitants to the king, 374; process against the charter of, 376; reception of the *quo warranto*, and proceedings thereupon, 379; submission of the magistrates, 380; persistence of the deputies, 381; arguments of the patriot party for resistance, *ib.*; arguments for a resignation of the charter refuted, 383; the charter vacated, 390; sketch of the legal proceedings, *ib.*; action of the General Court on receiving intelligence of the vacating of the charter, 391; political condition of, without the charter, 394; a governor appointed, and important regulations made for, 395; provisional arrangements of James the Second for, 480; King James the Second proclaimed in, 481; despondency in, *ib.*; conference of the General Court with the elders, 482; last election under the charter, 484; a provisional government constituted, *ib.*; General Court abdicate the government under protest, 486; presidency of Joseph Dudley, 488; proceedings of the new government, 492; dissatisfaction of Randolph with, 496; governor and company of, their title to lands in New England, 512; tenure of land in, according to the theory of Andros's government, 513; resistance to Andros's imposition of taxes, 524; resistance suppressed, 526; demand of quit-rents, 529; seizure of common lands, 530; extortion of excessive fees, 531; degradation of the Council, *ib.*; reception of the declaration of indulgence in, 548; news of the landing of the Prince of Orange in England reaches, 574; rising in Boston against Andros, 577; manifesto of the leaders of the revolt, 578; summons to the governor, 580; imprisonment of the governor, and occupation of the Castle in Boston harbor, 581; stripping of the "Rose" frigate, 582; imprisonment of Andros's adherents, *ib.*; Bulkeley's account of the proceedings, 583, *n.*; resentment against Dudley, 584; Captain George's narrative, 584, *n.*; statements of Randolph and others, 585; provisional government of, succeeding Andros, 587; convention of delegates from the towns, 588; hesitation about returning to the old form of government, *ib.*; second convention of dele-

gates of the towns, and provisional re-establishment of the ancient government, 589; William and Mary proclaimed, 590; arrival of Sir William Phips, *ib.*; King William retracts his order for a confirmation of, under the government of Andros, 591; meeting of the General Court, 593; impeachment of Andros and his retainers, *ib.*; her charter vacated by English Court, IV. 5; a provisional government set up in, 24; King William allows the provisional government to continue in, 25; meeting of the General Court in, *ib.*; order to, for the return of Andros, &c., to England, 26; resistance of the people to collection of taxes, 28; boundary of the frontier of, 30; invites commissioners to consult over the Frontenac invasions, 49; asks military help from England, *ib.*; issues paper currency called bills of credit, 59; depression in, on account of the defeat of the expedition into Canada, *ib.*; plans for a new government for, 61; the government to be administered by Bradstreet, 63; prospect for renewal of the charter of, 64; Randolph's obstacles to, *ib.*; her agents, Oakes and Cooke, prefer no complaint against Andros and his party, 67; reason for the abandonment of the complaint, 68; action of Andros to prevent the restoration of the charter to, *ib.*; action of the malecontents concerning a charter, 68, 72; action of the agents for a charter, 70, 71, 73; a new charter granted to, 75; extent of her territory under the new charter, 75, 82; her unhappy condition as compared with Rhode Island and Connecticut, 84; depression and disorders in, 95; the witchcraft tragedy in, 96; depressed condition of, 136; population and wealth of, 136, *n.*; revisal of the Provincial Legislature in, by England, 159; her navigation laws reinforced by new acts of Parliament, 162; Lord Bellomont appointed governor, 169; the condition and trade of, 187; after the death of Lord Bellomont the government devolves upon Stoughton, 197; the Board of Trade desire Fort Pemaquid to be rebuilt by, 199; the charter threatened, 200; prospect of Joseph Dudley for governor of, 201; jealousy in England of her growth and importance, 205; receives New Hampshire into her jurisdiction, 207; makes an ineffective attack upon Port Royal, 271; address to the queen for aid in the conquest of New France, 275; the troops mustered at Boston, 276; postponement of operations, *ib.*; the army disbanded, *ib.*; action of, to assist in Lord Bolingbroke's expedi-

tion against Quebec, 281; the consternation in, at the failure of the expedition, 284; depreciation of paper money in, 294; loyalty a virtue of, 325; population and trade of, in 1713, 326, 327; the revenue of, 327; financial difficulties in, 332; proposal of Dudley for a public bank, 334; an address to George the First from, 385; literature of Queen Anne's time in, 384, *n.*; appointment of Samuel Shute for governor of, 386; general state of affairs in, at the coming of Governor Shute, 388; the naval productions of, 394, 397; projects for supply of naval stores, 394; the manufactures of, 397; imposes a duty on English merchandise, 404, 405; desire of the people to secure self government, 406; report of the Board of Trade upon the condition of, 428; refuses to receive the bills of credit of Rhode Island, 549; recruiting in, for the war in Spain, 553; the settlement of the boundary line between New Hampshire and, 554; award of the commissioners concerning the boundary, 556; an appeal to the king concerning the boundary, 557; decision of the Privy Council on the boundary line, 558; her politics during half a century reviewed, 593; her governors, 595; religious excitement caused by the preaching of Rev. Jonathan Edwards in, V. 6; population of, in 1741, 43; number of towns incorporated under the charter of, *ib.*; financial embarrassment in, 51; Legislature of, pass a bill of supply, 52; Shirley's amendments to the bill and issue of paper money, 53; furnishes troops for an attack on Quebec, 84; asks reimbursement for certain war expenses, 85, *n.*; the confusion in, caused by the paper currency, 97; outlay of, on the expedition to Louisburg, 101; reimbursed by England for the whole amount, *ib.*; a solid currency established in, 109; population of, in 1754, 118, *n.*; proposes a union of all the colonies for security and defence, 122; expense to, of the expedition to Crown Point, 142; her troops in the battle of Quebec, 174; raising of troops in, under promise of Pitt's support against the French, &c., 158; coming of Francis Bernard as governor of, 224; accused by Governor Bernard of avoiding the Navigation Laws, 227; concerning the title of, to the country on the Kennebec River, 232, *n.*, 248, *n.*; accused of illicit trading, 284, *n.*; a religious controversy with English divines, 254; the loss in, from the enforcement of the Sugar Act, 262; her contemptuous distrust of other colonies, 312; her legislation on the Su-

- gar Act, 315; arrival of General Gage with commission as governor of, 485; Lord North's bill for electing the council, judges, &c., in, 525, 526; the appointment in, of thirty-six *mandamus* councillors to the governor, 535; her charter abrogated by Parliament, *ib.*; meeting of the first Provincial Congress in, 543; a petition in London to restore the commerce between Great Britain and, 550; meeting of the second Provincial Congress in, 557; the militia of, surround the British troops at Boston, 564.
- Massachusetts Bay*, expedition of the Plymouth colonists to, I. 185; English planters in and about, 233.
- Massachusetts*, Fort (Williamstown), taken by French, V. 87.
- Massachusetts Hall*, money granted by General Court to build, at Cambridge, IV. 418.
- Massachusetts Historical Society*, Bradford's "History of Plymouth Plantation" published by the, I. 136, *n.*; collections of the, cited, 141, *n.*, 144 *n.*, 145, 238, *n.*, 291, 313, 333, 335, 455, 467, 469, II. 114, 147, 175, 220, 234, 235, 388, 397, 446, 500, 533, 547, 627, III. 128, 172, 215, 385, 392, 425, 524, 535, 577, IV. 256, *n.*; mentioned, V. 138, *n.*
- Massachusetts Historical Society collections*, IV. 266, *n.*, 267, *n.*, 270, *n.*, 271, *n.*
- Massachusetts Historical Society*, proceedings of, cited, IV. 317, *n.*, 318, *n.*, V. 533, *n.*
- Massasoit*, chief of the Pokanokets, visits the first settlers at Plymouth, and forms a treaty with them, I. 178; Plymouth people send an embassy to, 183; his housekeeping, *ib.*; good-will of, towards the Plymouth settlers, *ib.*; feasted by the Plymouth colonists, 187; second visit of Winslow to, 201; renews the treaty with the Plymouth colonists, 547; his death, III. 142.
- Mather*, Cotton, his "Magnalia," cited, I. 132, *n.*, 137, *n.*, 141, *n.*, 325, *n.*, 367, *n.*; probable author of the "Declaration of Inhabitants of Boston," III. 579, *n.*; his "Political Fables," cited, IV. 83, *n.*; his epitaph on Dummer, 93, *n.*; his "Proposals," cited, 98, *n.*; his interest in the girls supposed to be bewitched, 99, 100; quoted concerning witchcraft, 100; his "Memorable Providences," &c., 101, *n.*; quoted concerning the execution of Bridget Bishop, 106; his account of Margaret Rule, a bewitched person, and Mercy Short, 114, *n.*; his "Order of the Gospel Revived," cited, 191, *n.*; interested in the charter for Harvard College, 194; quoted concerning Dudley for governor, 203; supposed to be concerned in the pamphlet "Deplorable State of New England," 319, *n.*; Dudley's relations with, 312; aspires to the presidency of Harvard College, 316, 316, *n.*; abdicates his place in the corporation of Harvard College, 317; letter to Dudley on his evil conduct, 320; proposes to hold a synod of the ministers of Massachusetts, 454; mentioned, V. 4; desired as president of Harvard College, 404, *n.*
- Mather*, Increase, pastor of the Second Church of Boston, his "Brief History of the War," &c., cited, III. 151, *n.*, 153, *n.*, 156, 162, 163, 165, 170, 171, 173, 175, 188, 189, 190, 192, 193, 195, 197, 198, 199, 203, 204, 205; his mission to England, 555; some account of, *ib.*; reputed author of a letter to Amsterdam, &c., 556; invited to take charge of Harvard College, *ib.*, *n.*; prosecuted by Edward Randolph for a libel, 557; his interviews with the king and others, 564; petitions for leave to hold assemblies in the colonies, 565; obtains an arrest of the order for continuing Andros in power, 591; petitions for a restoration of the privileges of the New England colonies, 592; endeavors to secure the restoration of the charter, IV. 60; defeats the reinstating of Andros, 61; determines to bring it before Parliament, 64; the obstacles against which he contended, *ib.*; misrepresented by Randolph, 65; Oakes and Cooke become associates with him, 67; abandons the complaint against the Andros party, *ib.*; reasons for the abandonment, 68; implores the king's favor for the charter, 70; secures the favor of the queen, 71; expresses his dissatisfaction with the provisions of a new charter drawn up by order of the Board of Trade, 73; secures some amendments to it, 75; and reluctantly accepts it, 82; nomination of king's officers under the new charter committed to, 85; thanks the king for the charter, 86; arrives in Boston, and receives the thanks of the people, 89; his "Illustrious Providences," cited, 98; his "Cases of Conscience," &c., cited, 102, *n.*; controversy with other ministers over the manifesto of the Brattle Street Church, 191, *n.*; president of Harvard College, 193, 193, *n.*; concerning a charter for Harvard College, 194; desires to be sent to England as agent for Harvard College, *ib.*; desirous of an agency to England, 204; friendly to the colony of Connecticut, 220; his interest in the college while in England, 313; act of General Court requiring him to live at Cambridge,



- 311; he moves to Cambridge, *ib.*; returns to Boston and desires to resign the presidency, *ib.*; is succeeded at college by Rev. Samuel Willard, 315; letter to Dudley charging him with hypocrisy, &c., 319; his opinion of the "New England Courant," 409, *n.*; his tract arguing inoculation for small-pox, 414, *n.*; disapproves the religious influence of President Leverett at Harvard College, 416.
- Mather**, Richard, defends independency against Presbyterianism, II. 86.
- Matoonas**, a Nipmuck Indian, executed, III. 220.
- Mattabesec** (Middletown, Connecticut), settled, II. 377.
- Maude**, Rev. Daniel, appointed a school-master at Boston, II. 47.
- Mauduit**, Israel, counsel for defence in the hearing against Hutchinson, V. 484.
- Mauduit**, Jasper, succeeds to office of agent in London, V. 254; thought incapable of managing the Sugar Act question in England, 265; his correspondence quoted concerning the Sugar Act, 272, *n.*; a letter of rebuke sent to, concerning his timid act in the matter of the Sugar Act, 275.
- Maurice**, Prince, ambition of, I. 144.
- Maverick**, Samuel, on Noddle's Island, I. 233; signs the "Remonstrance and Humble Petition," II. 168; entertains La Tour at Noddle's Island, 200; one of the royal commissioners to New England, 578; his qualifications for the office, 581; his arrival at Portsmouth, 582; imperious conduct of, as a royal commissioner, *ib.*; removes to New York, 624; revisits Boston, 625; protests against the action of the General Court of Massachusetts, 628.
- Maverick**, Samuel, killed in the Boston Massacre, V. 418.
- "**Mayflower**," the, at Southampton, I. 158; sailing of, 159; origin of some passengers in the, 160; incidents in the voyage of, 162; arrival of, at Cape Cod, 164; arrives at Plymouth, 172; return to England of, 180; birth of children on board of, 182.
- Mayhew**, Jonathan, as a pulpit orator, V. 219; in controversy concerning the propagation of the gospel under Episcopal auspices, 254; his tract, "Unlimited Submission," &c., 255, *n.*; a graduate of Harvard College, 405, *n.*
- Mayhew**, Thomas, settles at Martha's Vineyard and teaches the Indians, II. 196; method of instructing the Indians, 197; his labors after the death of his son, 340.
- Mayhew**, Thomas, Jr., a successful missionary on Martha's Vineyard, II. 196, 339.
- Maynard**, Lord, letter to Archbishop Laud, cited, I. 502, *n.*
- Maynard**, Sir John, commissioner of the great seal, IV. 15.
- Mazarin**, Cardinal, his fear of Cromwell, II. 26.
- Medfield** attacked by the Indians, III. 188.
- Meeting-house** erected at Boston, I. 359.
- Mein**, John, his pamphlet "A State of Importation," &c., V. 389, *n.*; accuses Hancock of a breach of his promise not to import, 411; publishes a paper, the "Chronicle," *ib.*
- Melville**, Andrew, the successor of Knox, II. 73.
- Memorial**, petition, &c., sent from the Congress at New York to Parliament for a repeal of the Stamp Act, V. 329; their reception in Parliament, 331.
- Menou**, Charles de, Sieur d'Aulnay de Charnisé, pillages the Plymouth factory on the Penobscot, I. 540; quarrels with his associate, La Tour, II. 144; Thomas Gorges's account of the military force of, 144, *n.*; his threatening letter to Winthrop, 145; sends an embassy to Massachusetts, 149; further difficulties with Massachusetts, and triumph over La Tour, 199; agreement with Massachusetts, 201.
- Merchant** adventurers, disagreement of, with the Leyden congregation, I. 155; their letter to the Plymouth colonists, 212; faction among, 216; disruption of the partnership of, 221; release from, to the Plymouth planters, 227.
- Merrimack** River, its course, I. 8; partly drains Lake Winnipiseogee, 9; navigable to Haverhill, *ib.*
- Merry Mount** visited by Endicott, I. 289.
- Meserve**, Lieutenant-colonel, death of, at the siege of Louisburg, V. 163, *n.*, 190; commands New Hampshire troops in the expedition to Louisburg, 182.
- Meserve**, George, appointed to distribute the stamps in New Hampshire, resigns, V. 324.
- Metacomet**, son of Massasoit. See *Philip*.
- Mexico**, colonized by Spain, I. 66.
- Mey**, made director of the settlement at Manhattan, I. 237.
- Miantonomo**, his visit to Boston, I. 361; his equivocal conduct towards the settlers, II. 112; his hostile designs, 113; plans a general massacre of the English, 114; instigates the assassination of Uncas, *ib.*; vindicates himself at Boston, 115; sells land to Gorton, 122; appears before the Court at Boston, 124; makes war upon Uncas and is defeated, *ib.*; the Federal commissioners advise Uncas to put him to death, 127; execution of, 128; reflections upon the conduct of the Federal commissioners, *ib.*

- Michaëlius*, Jonas, first minister at New Amsterdam, I. 238.
- Middleborough*, attack on by the Indians, III. 157.
- Middlesex*, one of the four original counties of Massachusetts; towns in, in 1643, I. 617.
- Middletown*, Connecticut, settled, II. 377.
- Mifflin*, —, on Pennsylvania committee at the first Congress, V. 538, n.
- Milborn*, —, commissary in the expedition against Quebec, IV. 223.
- Milford*, settlement at, I. 534; principal founders and form of government, *ib.*; unites with the New Haven Colony, 602; mentioned, IV. 371.
- Military* organization in Massachusetts, I. 443; in New England, II. 49.
- Militia*, control of the, given to Parliament, I. 577; in Massachusetts, III. 48; claim of Connecticut to control her own, IV. 225; claim of Rhode Island to control her own, 238, 239; of Rhode Island, the control of, given to governor of New York, 240.
- Mill* at Chesterton, Warwickshire, its resemblance to the Tower at Newport, I. 58, n.
- Millenary* petition, I. 127; subscribers of, committed to prison, 131.
- Mills*, act of Parliament forbidding the erection of, in New England, V. 94.
- Milton*, John, his accomplishments, I. 281; his censure of the tyranny of the English bishops, 557; Mrs. Sadlier's opinion of, II. 357; English poet, IV. 384, n.
- Minas*, English post at, attacked by Indians, V. 112.
- Minerals*, of New England, I. 15.
- Mines*, grant of, to a trading company in New England, IV. 395, n.
- Ministers* in London suspended, I. 119; in the counties suspended, 121; in Massachusetts, houses to be built for, 317; their action in the Antinomian controversy, 475; of New England, their number and character at the confederation, II. 38; primitive theory and practice concerning, in New England, 39; number of, in New England, 1649, 269, n.
- Mint*, established in Massachusetts, II. 403; authority to establish one desired, in New England, III. 495.
- Minuit*, Peter, director of the settlement at Manhattan, I. 237; is driven into the English port of Plymouth, 624.
- Mishawum* (Charlestown), the first capital town, I. 317.
- Missions* to the Indians, II. 189.
- Mitchell*, Jonathan, minister at Cambridge, dissatisfied with Dunster's faith, II. 398; one of the censors of the press, 530; one of a committee to draw up a petition to the king, 587; his opinion upon agitating religious questions, III. 87.
- "*Model of Christian Charity*," by Winthrop, I. 313.
- Moffatt*, Thomas, certain offensive letters written by, V. 462; the question of indemnity for, considered, 506.
- Mogg*, Indian chief, killed, IV. 438.
- Mohawks*, the, never had a permanent residence in New England, I. 24; make a treaty with the English at Albany, IV. 40.
- Mohegans*, their territory, I. 24; their power, II. 12; their troubles with the Narragansetts, 113; missionary labors among the, 340; ask protection against English invaders into their territory, IV. 479; Ben Uncas installed as their sachem, 480.
- Monadnock*, Mount, situation and height of, I. 6.
- Monckton*, Colonel, British army, V. 132; name signed to proposals for siege of Quebec, 166, n.; wounded at the battle of Quebec, 169.
- Money*, coinage of, in Massachusetts, II. 403.
- Monhegan*, visited by Captain John Smith, I. 93.
- Monk*, George, plots for the restoration of monarchy, II. 419; occupies London, 421; created Duke of Albemarle, 425; portrait of, in the possession of the Winthrop family, III. 237, n.
- Monmouth*, James, Duke of, put forward as heir to the throne, III. 255; one of the Council of Six, 261; leads the royal forces against the Scots, 268; insurrection of, 449; defeat, capture, and execution of, 450.
- Monmouth*, Lord, his friendly services to Mather, IV. 71.
- Monopolies*, proceedings against, I. 257, 262.
- Monro*, Colonel, capitulates at Fort William Henry, V. 151; commands New Hampshire troops at the defence of Fort William Henry, 190.
- Montague*, Edward, Earl of Sandwich, placed in command of the fleet at the Restoration, II. 425.
- Montagu*, Lady Mary Wortley, introduced inoculation for small-pox into England, IV. 414, n.
- Montcalm*, Marquis de, succeeds Dieskau in command of French troops, V. 150; the English at Oswego capitulate to him, *ib.*; forces the capitulation of Fort William Henry, 151; defeats Abercrombie at Fort Ticonderoga, 160, 161; his action in the battle of Quebec, 168; mortally wounded at the battle of Quebec, 169; prediction of, concerning the conquest of Canada, 224, n.; letters of, mentioned, 397, n.
- Montgomery*, a British soldier, on trial

- for shooting in the Boston Massacre, V. 422.
- Montreal*, plan for an expedition against, IV. 275; capitulation of, to the English, V. 171.
- Montrose*, Duke of, secretary of state, 1714, IV. 460, *n*.
- Montrose*, James Graham, Marquis of, defeated by Lesley, II. 100; his execution, 439.
- Montserrat*, Island of, IV. 17, *n*.
- Mooanam*, with Massasoit, his father, renews the treaty with Plymouth, I. 547.
- Moody*, Major, his discharge requested by General Court, IV. 424.
- Moody*, Rev. Joshua, of Portsmouth, denounced by the royal officials, III. 406; refuses to administer the sacrament to Governor Cranfield, and is imprisoned, 416.
- Moore*, —, *Historical Collections of*, cited, IV. 571, *n*.
- Moore*, Sir Henry, governor of New York, makes land grants which encroach on the settlers in New Hampshire, V. 497.
- Moore*, Colonel Samuel, commands New Hampshire troops in the expedition to Louisburg, V. 182.
- Moosehead Lake*, I. 9.
- Moosehillock Mountain*, I. 6.
- Mordaunt*, Lord, at the head of the treasury, England, IV. 14; member of Privy Council, 20, *n*.
- More*, Henry, English author, IV. 384, *n*.
- More*, Sir Thomas, his "Dialogues concerning Heresyes," cited, I. 105, *n*.
- More*, Thomas, Boston letter of, concerning the government at Boston, IV. 447, *n*.
- Morris*, Governor, Maryland, mentioned, V. 130, *n*.
- Morris*, Louis, governor of New Jersey, IV. 562, *n*.
- Mortality* among the Plymouth colonists, I. 181.
- Mortmain*, statute of, an efficient protection against the monks, I. 102.
- Morton*, Rev. Charles, comes to New England, and is settled at Charlestown, III. 497; bound over for trial for preaching a seditious sermon, 547; some account of, *ib.*, *n*.; appointed vice-president of Harvard College, IV. 194; mentioned, 256, *n*., 386.
- Morton*, George, the supposed author of "Mourt's Relation," I. 165, *n*.
- Morton*, Nathaniel, his "New England's Memorial," cited, I. 134, *n*., 161, *n*., 163, *n*., II. 263, III. 81, *n*., 144, *n*.
- Morton*, Dr. Samuel G., his "Crania Americana," cited, I. 22.
- Morton*, Thomas, his "New English Canaan," cited, I. 46, *n*., 47, *n*., 231, *n*.; his evil practices at Mount Wollaston, 231; arrested and sent to England, 232; his punishment, 319, 500; employed as solicitor by the Council, of New England, 401; his intrigues in Rhode Island, and death, II. 147, *n*.
- Morton*, William, his complaint against persons in Connecticut for treason, II. 600, *n*.
- Moseley*, Captain, commands a company against the Indians, III. 156; his mode of fighting, 162; attacks the Indians at Bloody Brook, 170; petitions for an independent command, 193.
- Moss*, Herman, geographer, IV. 330, *n*.
- Mostyn*, Admiral, holds council with Lawrence concerning the French Neutrals, V. 133.
- Moulton*, Captain, sent to Norridgewock in search of Rasle, IV. 436; makes an attack upon the Indians at Norridgewock, 437.
- Mount Dagon*, Merry Mount so called by Endicott, I. 289.
- Mount Desert* occupied by the French, I. 85; a grant of, made to Governor Bernard, V. 232, *n*., 248, *n*.
- Mount Hope*, residence of the Sachem Philip, III. 154; abandoned by Philip, 156; a grant of, petitioned for, by John Crowne, 431; claimed by Plymouth Colony, 432.
- Mount Wollaston*, settlement at, I. 222. troubles at, 232.
- Mountains* of New England, increase in height of, towards the north, I. 5; their influence upon the sites for early settlement, 7.
- "*Mourt's Relation or Journal*," I. 164, *n*.; supposed to have been written by George Morton, 165, *n*.; cited, 169, *n*., 177, *n*., 184, *n*., II. 63, *n*.
- Mugg*, an Indian sachem of Maine, concludes a treaty with the English, III. 211, killed in battle, 212.
- Muggleton*, Ludovick, his treatise burned in Massachusetts, II. 461.
- Murray*, General, mentioned, V. 166, *n*.; left in charge of English troops at Quebec, 170; joins Amherst at Montreal, 171.
- Muscongus*, a fortification at, attacked by Indians, IV. 436.
- Music*, little cultivated in New England, III. 134, *n*.
- Muskhojees*. See *Creeks*.
- Mussey*, Mr., London, sermon by, on inoculation for small-pox, IV. 414, *n*.
- Mussey*, Widow, killed by Indians, IV. 260.
- Myles*, Rev. Samuel, rector of King's Chapel, IV. 188.
- Mystic River*, ship-building on, II. 55.



## N.

- Nadhorth*, Samuel (pseudonym), letter to England, II. 628.
- Nahant*, dispute respecting, between Randolph and the selectmen of Lynn, III. 552, *n*.
- Namasket* visited by Winslow and Hopkins, I. 183; expedition to, 185.
- Nameaug*, settlement at, II. 233.
- Nantasket*, fortification at, I. 363.
- Nantes*, revocation of the Edict of, III. 453.
- Narragansett Bay* visited by Verazzano, I. 64; plantations about, not admitted to the New England Confederacy, 629; unsettled government in the, II. 343.
- Narragansetts*, the, I. 24; threaten the Plymouth colonists with war, 196; their alliance with the English, 460; their power after the overthrow of the Pequots, II. 112; their trouble with the Mohegans, 113; their hostile designs against the English, *ib.*; cede their country to the king, 136; truce with, 139; further hostile movements of, against the Mohegans, 224; war with the colonies, *ib.*; treaty of peace with, at Boston, 229; break the treaty, *ib.*; missionary labors among the, 340; their country erected into a separate province, 603; alliance with the English against Philip, III. 158; alarm respecting, 172; colonial troops march against, 175; attack upon the fort of, 176; condition of, after the capture of their fort, 181; withdrawal of the troops from the field, *ib.*; motives of, for war, 228.
- Naseby*, battle of, II. 98.
- Natchez* Indians, I. 23.
- Natick*, native converts at, II. 336.
- Natural History of New England*, I. 15.
- Naumkeag*, removal of Cape Ann settlement to, I. 286; Higginson's description of, 294.
- Naunton*, Sir Robert, favors the Leyden congregation, I. 151.
- Nauset*, settlement at, II. 238.
- Nausets*, the, I. 24; hostility of, to the English, 177; visit of some Plymouth people to, 184.
- Naval* officers, constituted in Massachusetts, III. 352.
- Naval stores*, the capacity of Massachusetts for producing, IV. 394, 397, 399; a company formed for traffic in, 462.
- Navigation Act*, provisions of the, II. 282; how regarded by the Dutch, 283; inoperative in New England, 393, 512; extended, 444; efforts to enforce the, in Massachusetts, III. 51; opinions of eminent publicists upon, 276; infractions of the, in Massachusetts, complained of by Randolph, 287; observation of, demanded, 311; published in Boston, 352; complaint in Boston against the restriction of the, IV. 188.
- Navigation Law*, concerning the exportation of wool, IV. 19; execution of, under Charles the Second, *ib.*; imperfect enforcement of, 22; acts regulating the, 79; under the second charter, 80; reinforced by new acts of Parliament, 162; scrutiny of the Board of Trade over, V. 54, *n*.
- Naylor*, James, an English Quaker, II. 458.
- Neal*, Daniel, "History of New England," cited, I. 132; "History of the Puritans," 295.
- Neal*, Captain Walter, settles at the mouth of the Piscataqua, I. 522.
- Neale*, Rev. —, quoted, IV. 423, *n*.
- Neale*, Thomas, allowed by King William to erect a post-office, IV. 828.
- Neff*, Mary, escaped from Indian captivity, IV. 156, *n*.
- Negroes*, the importation of, to Rhode Island, IV. 357, *n*.
- Nelson*, John, captures Fort Hill and Governor Andros, III. 581; a relative of Sir Thomas Temple, 584, *n*.
- Nelson*, John, taken prisoner by the French, IV. 155, *n*.; his representation of Dudley's government, 297, 298, *n*.
- Nepaupuck* executed for murder, I. 533.
- Netherlands*, the, disturbances in, I. 144.
- Nevis*, island of, IV. 17, *n*.
- New Amsterdam*, population of, I. 238; transactions of the settlers at, with New England, II. 143; captured by the English, and named New York, 591; retaken by the Dutch, III. 34; restored to England, 127.
- Newark*, New Jersey, settled by emigrants from Branford, II. 596.
- Newberry*, Walter, petition of, to the Privy Council in behalf of the Quakers, IV. 450, *n*.
- Newburn*, battle of, I. 571.
- Newbury*, battle of, I. 378; second battle of, II. 71.
- Newcastle*, Duke of, mentioned, IV. 449, 460, *n*.; patron of William Shirley, V. 45; authorizes the raising of troops to attack Quebec, 84; resumes office, 158.
- Newcastle*, Marquis of, retreats before the Scots to York, II. 69; advises against the battle of Marston Moor, 70.
- Newcastle* captured by the Scots, II. 70.
- New England*, homogeneous character of the population of, I. vii; physical conformation of, 1; area of, 2; boundaries and extent of, 3; coast of, *ib.*; ranges of highlands of, *ib.*; height of mountains in, 5; rivers of, 7; lakes, harbors, and bays of, 9; meteorology,

climate, and soil of, 10; local diseases of, 12; climatic influences of, 13; agriculture of, *ib.*; minerals of, 15; botanical productions of, *ib.*; fishes, birds, insects, reptiles, and quadrupeds of, 17; supposed early discovery of, by the Northmen, 53; not visited by the Welsh, 59; designated by Raleigh as North Virginia, 74; in danger of French occupation, 77; first called New England by Captain John Smith, 93; early maps of, 95; incorporation of the Council for, 192; perplexities of the Council for, 204; grants of land in, to Gorges and Mason, 205; distribution of its territory among several noblemen, 222; Wood's map of the south part of, in 1634, 360; dissolution of the Council for, 397; war with the Pequots, 456; estimated number of inhabitants in 1638, 557, *n.*; influence of the English revolution upon the politics of, 579; discontinuance of emigration to, 584; number of emigrants to, down to 1643, *ib.*; return of emigrants to England from, 585; articles of confederation of the four colonies of, 630; Parliamentary commission for the government of, 633; the confederation of the colonies, II. 3; population and prosperity of the Confederacy of, 5; self-government in the colonies of, 7; conditions of the franchise, 8; magistrates, 9; deputies, 10; towns, 11; courts of justice, 15; juries, 18; processes, 19; regulation of prices and expenses, 33; legal obligation to attend public worship, 34; organization of separate churches, 36; ministers at the time of the confederation, 38; mutual relation of churches, 39; public worship in, 40; marriages and burials in, 43; observance of the Sabbath, fast days, feast days, &c., *ib.*; provisions for learning, 45; military system, 49; cultivation of the soil, and its productions, 52; domestic animals, 53; manufactories, *ib.*; products of the woods, 54; fisheries, 55; ship-building, 56; commerce and circulating medium, 57; facilities for travel, 58; architecture, *ib.*; household and table furniture, 62; dress, 64; diet, 65; amusements, titles, speech, 67; connection of the Independents with, 83; first meeting of the Federal commissioners, 112; transactions with the Swedes on the Delaware, and the Dutch at New Amsterdam, 143; treaty with the French of Acadie, 201; disputes with the Dutch of New Netherland, 202; preparations for war against the Narragansetts, 224; troubles arising between the confederate colonies, 239; provisional deci-

sion of the Federal commissioners upon the matter of imposts laid by Connecticut, 242; further discussion of the impost question, 244; prosperous condition of, at the death of Winthrop, 269; relations to New France, 304; refuses aid to the French against the Indians, 307; relations to New Netherland, 308; establishment of a boundary, 310; renewal of jealousies of the Dutch, 312; preparations for war, 315; doubts of the justifiableness of the war with the Dutch, 317; question as to the power of the Confederacy over individual colonies in the making of war, 318; threat of disunion, 320; alarm of war with the Nyantics, 324; new dissension in the Confederacy, 325; expedition against the Nyantics, 328; protection extended to the Pequots, 331; efforts to instruct the natives in religion, 332; ill success of the missionary efforts in the southern colonies, 340; proceedings of the Federal commissioners in regard to Harvard College, 341; and for composing a history of the colonies, 342; Cromwell's plan for transferring to Ireland or Jamaica the people of, 389; English politics, how regarded in, 447; action in reference to the Quakers, 465; religious disputes, 487; map of, in 1689, III. frontispiece; reflections upon the condition of, during the first years of the reign of Charles the Second, 35; probable population of, in 1665, *ib.*; number and situation of the towns in, 36; account of, by the royal commissioners, 37; publication of the laws in the several colonies of, 40; remarks upon the spirit of the laws in, 65; attempt to revive the Confederacy, 71; meeting of the Federal commissioners in 1667, 72; agreement in relation to a reformed Confederacy, 75; confederation of the three colonies, 78; proceedings of the Federal commissioners in reference to the recapture of New York by the Dutch, *ib.*; project of an invasion of New France, 114; meeting of the Federal commissioners, 121, 166; condition of, at the breaking out of Philip's war, 132; relations of the colonists to the natives, 137; movement of colonial troops, 155; critical condition of the colonists, 167; dissensions between the colonies as to the prosecution of the Indian war, 173; great military preparations, *ib.*; withdrawal of the troops from the field, 181; a new levy of troops called for, 182; distresses inflicted upon, by the Indian war, 214; treatment of the natives, 216; intractableness of the Indians, 217; treat-

ment of the conquered Indians by the English, 220; donation of money from Ireland to, 230; reasons for not applying for aid to England, 231; renewal of designs in England against, 273; the Navigation Act in, 276; subjected to commercial restrictions, 279; consultations and projects in reference to, 280; mission of Edward Randolph to, 284; further action of the Lords of the Committee in regard to, 289; Randolph's description of, 296; "Observations made by the Curious on, about 1673," 303, *n.*; description of, by William Harris of Rhode Island, 304, *n.*; last meetings of the Federal commissioners, 445; an admiralty court constituted for, 484; *fac-simile* of Seller's map of, 489; Episcopal movement in, 494; indications of emigration in large numbers to, in 1636, 497; Andros made governor of, 511; opposition of the colonists to the abrogation of the charters justified by results, 512; king of England's title to New England, how obtained, *ib.*; interpretation given to the charters by the colonists, 513; theory of Andros's government and its consequences, *ib.*; constitution of Andros's government, its powers, extent of jurisdiction, &c., 515; Andros assumes the government, 517; five ports of clearance and entry designated in, 519; proceedings of the new government, *ib.*; oppressive judicial administration under the rule of Andros, 522; arbitrary imposition of taxes by Andros, 524; and resistance to, 525; general submission to Andros's mode of taxation, 529; demand of quit-rents and seizure of common lands, *ib.*; legal consolidation of, 548; issue of writs of intrusion, narrative of Joseph Lynde, 551; a day of thanksgiving appointed for the queen's pregnancy, 555; mission of Increase Mather to England, *ib.*; extension of, to Delaware Bay, 561; Chalmers's reflections upon the revolution in, 570; news of the landing of the Prince of Orange in England, reaches, 574; affidavit of John Winslow, *ib.*; discouragements to the independence of, IV. 3; no prospect of future immigration to, 4; disabled for further resistance to English power, 5; fears for her religious freedom, 6; religious liberty established in, 10; concerning civil administration in, *ib.*; what she had to expect from William the Third, 11; the relation of, to England, 17; numbers of militia in, 87, *n.*; breaking out of witchcraft in, 96; causes which would predispose to superstitious panic in, 128; religious convictions of the people, 129; population of, 136, *n.*; objects of King William

in respect to, 244; establishment of post-offices in, 328-331; the postal duty willingly paid in, 331; actors in, for American Independence, 495; progress under King George the Third, V. 211; concerning independence for, 214; her greeting of George the Third, 215; her sentiments toward the king's generals, *ib.*; condition of society in, 217; the ability of her lawyers, 219; how the proposed confederation in, was construed by the ministers of the Crown, 222; scheme of Governor Bernard for the division of, 228, 229, *n.*, 279, *n.*; the project of taxing the colonies of, 257, 259; the argument of, concerning taxation without representation, 284, 285; resistance in, to the Stamp Act, 308, 327.

*New England*, governor and councillors of the royal province of, III. 604.

"*New England Courant*," third paper established in Boston, IV. 409, *n.*; Increase Mather's opinion of it, 409, *n.*; action of the General Court concerning, 410, *n.*

"*New England's First Fruits*," cited, I. 548, 549, II. 6, *n.*, 49, *n.*, 188, *n.*

"*New England's Jonas cast up at London*," by Child, II. 178.

"*New England's Salamander discovered*," by Winslow, II. 178.

*New Fairfield*, Connecticut, settled, IV. 576, *n.*

*Newfoundland*, visited by early navigators, I. 65; the Banks frequented by fishermen, of several European nations, *ib.*, 66.

*New France*, statement of the early history of, I. 234; missions established in, II. 304; proposal for an expedition against, 630; projected invasion of, III. 114; desperate condition of, IV. 41; conquest of, in America, V. 171.

*New Hampshire*, superficial measurement of, I. 3; character of mountains in, 6; municipal system of representation in, 382; disorders in, 588; accession of the settlements in, to Massachusetts, 592, II. 5; heirs of Capt. John Mason lay claim to the province of, 618; proceedings of the royal commissioners of 1665, in, 619; adjudged not to be within the chartered limits of Massachusetts, III. 307; petitions the king to be allowed to remain under the government of Massachusetts, 311; united with Massachusetts and Plymouth under the government of Kirk, 395; constituted a royal province, and John Cutts appointed president, 402; magistrates appointed by the king for, 403; number of voters in, in 1680, 404; operations of Randolph as collector of the king's customs in, 405; troublesome

operations of Robert Mason in, 406; Privy Council advise the king to remodel the government of, 407; Edward Cranfield appointed governor of, *ib.*; his powers under the royal commission, *ib.*; his oppressive administration, 408; military condition of, as found by Cranfield, *ib.*; insurrection in, 411; renewed misgovernment in, 412; further despotic acts of Cranfield, 414; Nathaniel Weare sent as agent for the four towns to England, 415; continued despotism of Cranfield, 416; renewed disturbances in, 418; history during the government of Dudley, 502; offers no opposition to Andros, 534; awaiting organization, IV. 5; incorporated into Massachusetts, 32, *n.*, 207; the disadvantage of its separation from Massachusetts, 205; claim of John Mason to territory in, 206; under the administration of Usher, 208-215; the poverty of, 209; under the administration of Bellomont, 215-219; assists Dudley in an attack upon Port Royal, 271; reception of Dudley as governor in, 345; poverty of the people, 352; establishment of a Latin school at Portsmouth, *ib.*; sustains Dudley in his government, 353; the plunder of timber from, 398; population and industry of, at the coming of Shute, 457; extension of her limits, 461; her supplies of naval stores, 462; issue of bills of credit by, 463; Indian invasions in, *ib.*; provides for the education of the children, 464, *n.*; administration of Wentworth in, 465; the settlement of the boundary line between Massachusetts and, 554; decision of the Privy Council in the boundary of, 558; legislation in, during the absence of Governor Shute, 564; reception of Governor Burnet by, 565; the Assembly of, settle a salary upon Governor Burnet, *ib.*; Governor Belcher's administration over, 566; appointment of David Dunbar as lieutenant-governor of, *ib.*; a petition to be joined to Massachusetts, 572, 573, *n.*; concerning her boundaries, 574; issues bills of credit for war expenses, V. 181; dispute of the House of Deputies with Governor Wentworth, 187, 188; a regiment raised in, for service against the French at Lake George, 189; invasions of Indians in, 190; sends troops to the siege of Louisburg, *ib.*; troops from, join Sir Jeffrey Amherst at Crown Point, 191; the significance to, of the conquest of Canada, 192; townships granted in, by Governor Wentworth, 290; the dispute between New York and, concerning the boundary, 291,

292; the establishment of Dartmouth College in, 293; no action taken in, on the Sugar or Stamp Act, *ib.*; the Stamp Act not enforced in, 491; news of the repeal of the Stamp Act received in, *ib.*; the division of the Province into five counties, 493; the House of Representatives vote a salary to the governor, *ib.*; address of, to Parliament concerning the revenue tax proposed by Townshend, 494; the non-importation agreements did not prosper in, 496; the boundary line still unsettled, 497; the settlers of land grants in, encroached upon by New York, *ib.*; Lord Dunmore's attempt to claim certain land grants in Bennington, 498; the settlers send an agent to England in their behalf, *ib.*; the action of Governor Tryon for reducing the land grants in, 499, 500, *n.*; the action of Ethan Allen in defending the land grants in, 501; a committee of correspondence established in, 503; the Assembly of, commend their college to the notice of Lord Dartmouth, *ib.*; Lord North's plan for the importation of tea denounced in Portsmouth, 504; a renewal of the land grant trouble in, 559, *n.*; sends troops to Boston under command of John Stark on the breaking out of the rebellion, 564.

*New Hartford, Connecticut, settled, IV. 576, n.*

*New Haven, early name Quinipiac, I. 533; extension and consolidation of the colony at, 600; plantation on Delaware Bay, ib.; combination of other settlements with, 602; organization of government at, 603; population and wealth of, ib.; annoyances from the Dutch at New Amsterdam, 624; population of, at the time of the confederation, II. 6; the franchise limited to church-members, 8; remuneration of magistrates, 11; number of its towns at the confederation, 13; earlier courts of justice in, 15; courts, how guided in their decisions, 31; "Blue Laws" of, 32; insensible union of Church and State in, 40; early provision for education in, 47; settlers from, on the Delaware, maltreated and expelled by the Swedes, 142; dispute with Stuyvesant, 203; quota of, in the war against the Narragansetts, 225; troubles with the Indians, 232; administration in, 236; suspicions of the Dutch, 312; incensed at the dissent of Massachusetts from the Dutch war, and action relative to, 319; expedition to New Netherland, 371; re-annexation of Greenwich, 372; education in, 373; collection of laws in, 374; entertains Cromwell's plan*

- for a removal, 393; acknowledgment of Charles the Second in, 535; resistance of, to a union with Connecticut, 546; meeting, of the freemen of, 547; meeting of the General Court, 548; declaration issued by the General Court of, 554; statement of grievances, 556; consents to be joined to Connecticut, provisionally, 562; proceedings of the Federal commissioners, 593; consents to the union with Connecticut, 596; interests of, different from those of Connecticut, 605; the industries of, IV. 474; the building of Yale College at, 477.
- New Jersey*, promises assistance in the attack on Louisburg, V. 65, 77.
- New London*, the settlement at Pequot River, takes the name of, II. 376; the industries of, IV. 474. See *Nameaug*.
- Newman*, Francis, a commissioner to New Amsterdam, II. 315.
- New Milford*, Connecticut, IV. 474, *n*.
- New Netherland*, discovery and territorial extent of, I. 235; settled by the Dutch, 237; relations of, to the New England colonies, II. 308; settlement of disputes, and establishment of a boundary, 310; renewal of jealousies, 312; suspected plot of the Dutch with the Indians, *ib.*; expedition against, from New Haven, 371; from Connecticut, 377; English expedition against, 591; surrenders to the English, *ib.*
- New North Church*, establish at Boston, IV. 338, *n*.
- Newport* (England), treaty at, between King Charles the First and Parliament, II. 108.
- Newport*, R. I., harbor of, I. 10; the Old Round Tower at, description of and discussions concerning, 57, *n.*; visited by Verazzano, 64; settlement at, 514; political organization at, 515; provision for education at, II. 48; Baptists at, 346; represented in General Assembly, IV. 466; the number of churches at, 591; a grammar school at, *ib.*
- "*Newport Mercury*," a newspaper established in Rhode Island, V. 204.
- New Scotland*. See *Nova Scotia*.
- New Shoreham*, R. I., represented in General Assembly, IV. 466; mentioned, 585.
- New Somersetshire*, commission granted by Gorges to Massachusetts magistrates to govern, I. 524.
- Newspapers* published in Boston, IV. 304, *n.*; published in England, *ib.*
- Newton*, —, English author, IV. 384, *n*.
- Newton*, Sir Isaac, mentioned, IV. 286, *n*.
- Newton*, Thomas, king's advocate for New Hampshire, &c., IV. 177, *n.*; mentioned, 803; memorial of, to be appointed attorney-general, 523, *n*.
- Newtown*, Conn., IV. 474, *n*.
- Newtown* (Cambridge), proceedings of the General Court of elections at, I. 480; ecclesiastical synod at, 484; the site of the college, and its name changed to Cambridge, 549; printing-press at, II. 45; description of, in the "Wonder-working Providence," 271.
- New York*, name given to New Netherland, after its conquest by the English, II. 592; population of, when taken by the English, *ib.*; annexation of Long Island to, 595; retaken by the Dutch, III. 84; promises assistance in the attack on Louisburg, V. 65, 77; a congress of the colonies held at, to take action on the Stamp Act, 328; the declaration of rights prepared at the Congress, 330; the tea-ships sent back to England, 474; Lord Dunmore becomes governor of, 498.
- New York Historical Society*, collections of the, cited, I. 64, *n*.
- Niagara*, Fort, a point of attack for the English, V. 130; an expedition for the capture of, led by Governor Shirley, 142; the undertaking postponed, 143.
- Nicholas*, Carter, member of Virginia committee, V. 461.
- Nicholson*, Capt. Francis, lieutenant-governor of New England under Andros, III. 562; in command of troops at Wood Creek, IV. 276; makes a conquest of the garrison at Port Royal, 277; returns from England with aid for an attempt upon Quebec, 279; leads the land force in Bolinbroke's expedition, 284; in conference with the Council, 337, *n.*; commands a force of Rhode Island men against Canada, 360; mentioned, 413.
- Nicolls*, Col. Richard, one of the royal commissioners to New England, II. 578; some account of, 580; commands the expedition against New Netherland, 591; deputy-governor of New York, 592; concluding events of his life, 624.
- Niles*, Hezekiah, his "Principles and Acts of the Revolution," V. 423, *n*.
- Niles*, Rev. Samuel, mentioned, IV. 256, *n.*, V. 423, *n.*; a graduate of Cambridge College, 359; extract from his "History of Indian and French Wars," V. 173, *n*.
- Nimequen*, treaty of, III. 28.
- Ninigret*, sachem of the Nyantics, appears before the Federal commissioners, II. 230; suspected complicity with the Dutch in a plot, 312; offends the Federal commissioners, 324; renewed difficulties with the Confederacy, 328; his portrait, III. 143, *n.*; takes no part in the Indian war, 147, *n*.



- Nipmucks*, territory of the, I. 24; rise against the colonists, and defeat a company under Captain Hutchinson, III. 158; ineffectual precautions against their rising, 200.
- Noddle's Island*, Samuel Maverick settles on, I. 232; a place of refuge for the Baptists, III. 89; names of different purchasers of, *ib.*
- No Man's Land*, visited by Gosnold, and named by him Martha's Vineyard, I. 72.
- Nonantum* (Natick), Indian community at, II. 337.
- Nonconformists*, the strength of, I. 119; persecutions of, 121; gloomy prospects of, 131; number of their clergymen in England and Wales, in 1604, 132; jealousy of the preaching of, *ib.*; how distinguished from the Separatists, 241; loyalty of, *ib.*; forbidden to emigrate without special license, 242; ministers banished from Virginia, 403; increased severities against, III. 8; in Scotland, 29; their opposition to King James the Second, 463.
- Non-importation* agreements, V. 389, 389, *n.*; agreements in Boston to oppose the revenue, 411.
- "*Nonsuch*," frigate, IV. 147.
- Nonville*, Mons. de, seizure of forts and massacre of Englishmen by, IV. 85; recalled to France, 37, *n.*; succeeds to the government of Canada, 40; attacks the tribe of Seneca Indians and is compelled to retreat, *ib.*
- Norfolk*, one of the original counties of Massachusetts, towns in, in 1643, I. 593, 617.
- Norridgewock*, an Indian station, IV. 259; the mission of Sebastian Rasle at, 418; action of the General Court against the Jesuit mission at, 422; an attack made upon the Indians at, 437; account of Father Charlevoix of the attack against, 439.
- Norridgewock* Indians, death of the chief, IV. 421.
- Norris*, Rev. Edward, preaches the election sermon, II. 260.
- North*, Lord, mentioned, V. 375; hostile to American claims, 396; made prime minister, 423, 424, 425; his distinguishing characteristics, 425; his measure for a partial repeal of the tax upon the colonies, 427; his measure to induce the importation of tea into America, 468; the Boston Port Bill proposed by, 523; his bill providing for the election of council and judges in Massachusetts, 525, 526; his bill to convey an accused person to England for trial, 526; act for making provision for the government of the province of Quebec, 528; in debate in Parliament, 550; his address for enforcing the law in the colonies, 552; his propositions for conciliating the differences with America, 554.
- North American Indians*, seven-fold division of the, I. 23.
- Northampton* attacked by the Indians, III. 188; attack on a garrison house at, by Indians, IV. 266.
- North and South Kingston*, R. I., IV. 585.
- Northfield*, engagements at, between the colonists and Indians, III. 165.
- Northington*, Lord, as a member of the ministry, V. 363.
- Northmen*, voyages of, to America, I. 51.
- Northumberland*, Duke of, his unpopularity, I. 115.
- North Virginia*, an early name of New England, I. 74, 93; the Congregation at Leyden resolve to emigrate thither, 150.
- Northwest* passage, voyage of Gomez in search of the, I. 65; Frobisher's voyage, 67; Sir Humphrey Gilbert's treatise on the, *ib.*; Waymouth's voyage in quest of the, 69; his second voyage undertaken ostensibly in search of the, 76.
- North Yarmouth*, Indian invasions into, V. 112.
- Norton*, Mr., murdered by the Pequots, I. 456.
- Norton*, Rev. John, settles at Plymouth, but soon removes to Massachusetts, I. 545; defends Independency against Apollonius, II. 92; succeeds Cotton at Boston, 463; his "Declaration" against the Quakers, 473; goes to England upon a mission, 521; his death, 528, V. 3.
- Norwalk*, Conn., settlement of, II. 377.
- Nottingham*, Lord, secretary of state, IV. 9, 14; member of Privy Council, 20, *n.*
- Nottingham*, N. H., IV. 462.
- Nourse*, Rebecca, accused of witchcraft, IV. 104, 107.
- Nova Scotia*, visited by De Monts, I. 77; granted to Sir William Alexander, 205, 234; the conquest of, by the English, IV. 277; revolutions in, 412; the settlement of, 413; capture of two French vessels at, *ib.*; a French fleet sent to recover, from the English meets with disastrous failure, V. 86; a second fleet sent to, meets with no better success, 86; Shirley's proposal for civil government in, 114, *n.*; Shirley urges the defence of, 120; an expected French invasion of, 132; plan for expelling the French Neutrals from, 134, 136.
- Nowell*, Samuel, chosen as agent from Massachusetts to England, III. 342; receives the largest number of votes cast for any assistant, 484, *n.*; chosen one of a committee to receive and

keep papers relating to the charter, &c., 487.

*Noyes*, James, opposes independent church government in New England, II. 171.

*Noyse*, Rev. —, involved in the witchcraft tragedy, IV. 115.

*Nyantics*, the, I. 24; alarm of war with, II. 324; expedition against the, 328; missionary labors among the, 340.

*Nye*, Rev. Philip, one of the leaders of the Independents in the Westminster Assembly, II. 86.

## O.

*Oakes*, Dr. Thomas, sent to England as agent, IV. 26; quoted concerning the bewitched children, 99; nominated as councillor, 254; rejected as councillor by Dudley, 254; disapproved of, as speaker, by Dudley, 294.

*Oakes*, Rev. Urian, his election sermon of 1673, III. 86; succeeds Hoar as president of Harvard College, 556; made councillor, IV. 48, n.

*Oates*, Titus, his early history, III. 241; his fictitious disclosures, 242; before the Privy Council, 243; is rewarded by a pension, 247; is fined and imprisoned, 266.

*Oath of Allegiance*, scruples about the, I. 614, in Massachusetts, II. 614; taken by the governor, deputy, and magistrates, in Massachusetts, III. 320.

*Oath of Fidelity*, required to be taken in Massachusetts, III. 315.

*Oath*, Freeman's, I. 877.

*Occasional Conformity Act*, the, IV. 244.

*Offences and Penalties*, in Massachusetts, III. 45.

*Oglethorpe*, General, his colony in Georgia, V. 8.

*Oldham*, John, with Lyford, the heads of a faction among the Plymouth colonists, I. 219; his trial, conviction, and banishment from the colony, 220; goes to Nantasket, 221; carries Thomas Morton prisoner to England, 232; invited to trade with the Indians, 286; makes an expedition to the Connecticut River, 369; murdered by the Pequots, 457.

*Old South*, or third church established at Boston, III. 84; meeting-house, taken by Andros for the service of the Episcopal Church, 521.

*Oldtown*, Maine, an expedition against, by Colonel Westbrook, IV. 435.

*Oliver*, Andrew, made secretary of Massachusetts, V. 155, n.; made distributor of stamps in Massachusetts, 319; hung in effigy in Boston, *ib.*; resigns his office, 320; promises not to en-

force the Stamp Act, 340; made lieutenant-governor of Massachusetts, 442; certain offensive letters sent to England by, 462; death of, 486.

*Oliver*, Peter, chief-justice, a writer of verses, V. 218, n.; dropped from the Board of Councillors, 356; accepts the salary granted by the king, 478; the Court ask his removal from office, 479; retires from his seat on the bench, 480, n.; impeachment of, by the House, 481.

*Oliver's* "Puritan Commonwealth," quoted, I. 470.

*Oneidas* Indians, make a treaty with the English at Albany, IV. 40.

*Onion River*, course, &c., of, I. 8.

*Orange*, Fort, surrenders to Colonel Cartwright, II. 592; called Fort Albany, *ib.*

*Orange*, William, Prince of, arrives at paramount influence in Holland, III. 16; marries the Princess Mary of England, 26; sends agents to England, 473; his diplomatic and military preparations, *ib.*; lands in England, 474; is approached with, but rejects, overtures from the king, 475; reaches London, 476; advises a convention of the estates of the realm, 477; proclaimed king, 479; promises the removal of Andros from the government of New England, 592.

*Orchard*, Robert, complains to the Privy Council of injuries done him by Massachusetts, III. 343, 378; petitions for remuneration, &c., 390.

*Ormond*, James Butler, Duke of, commands the Royalist forces in Ireland, II. 273; recalled from Ireland, and made Lord Steward, III. 447; his lofty character, 470; displaced from the office of lord lieutenant of Ireland, *ib.*; his flight to France, IV. 381.

*Ortelius*, his geography, I. 51; his map of the New World, published in 1675, 95.

*Osborn*, Sarah, accused of witchcraft, IV. 103.

*Osborn*, Thomas, a Baptist, imprisoned, II. 486.

*Osborne*, Sir Danvers, governor of New York, V. 153.

*Otis*, G. A., his translation of "History of the American Revolution," V. 214, n.

*Otis*, James, commissioner to treat with the Eastern Indians, V. 110; the author of poetical compositions, 217; desires the appointment of judge, 230; takes to himself certain offices, 231; made judge of Probate, &c., 266.

*Otis*, James, Jr., mentioned, IV. 496; resentment toward Governor Hutchinson, V. 231; his opposition to Bernard in a suit to recover certain moneys,



under the Sugar Act, 232; counsel in a hearing on Writs of Assistance, 237, 238, 241; proposal to make gold a legal tender, 247; made a member of House of Representatives, 249; his open opposition to Bernard in matters before the General Court, *ib.*; publishes a "Vindication of the House," &c., extract from, 252; his "Rudiments of Latin Prosody," cited, 252, *n.*; his treatise "The Rights of the British Colonies asserted and proved," 266-272; Representative in General Court, 278; his "Rights," &c., for sale in Boston, 276, *n.*; advises a colonial assembly to consider the matter of taxation, 318; present at the Congress at New York, 329-331; argues at a hearing of the courts on the Stamp Act, 340; Bernard rejects him as speaker of the House, 355; mentioned, 357, 394, *n.*, 415, *n.*; on committee of correspondence, 376, 378, 381, 447; rejected as councillor, 380; counsel for seamen accused of murder in resisting impressment, 399; a graduate of Harvard College, 405, *n.*; his mental infirmity, 412, *n.*; his arraignment of the revenue commissioners, 412; assaulted by Robinson, 413; member of a committee protesting against holding Court at Cambridge, 444, 446; reinstated in House of Representatives, 445; Hutchinson's estimation of, 489.

*Otter Creek*, course of, I. 8.

*Otway*, Thomas, English dramatist, IV. 384, *n.*

*Owen*, Rev. John, Dean of Christ Church, Oxford, entertains the project of emigrating to New England, III. 70, 81.

*Oxford*, Earl of, interested in fitting out a privateer, IV. 181; committed for high treason, 381.

*Oxford*, University of, sustains Wickliffe, I. 105; its privileges attacked by James the Second, III. 461.

*Oyster River* (Durham), attacked by Indians, IV. 84; again attacked by Indians, 151; the Garrison House at, attacked by Indians, 267.

## P.

*Paine*, Robert Treat, counsel for the prosecution in the Boston Massacre, V. 420; a member of the Continental Congress, 420, *n.*; associated with the Massachusetts committee at the first Congress, 538, *n.*

*Palfrey*, William, letters of, quoted, V. 385, *n.*, 387, *n.*; member of the club "Sons of Liberty," 388, *n.*; "Life of," cited, 389, *n.*; correspondence quoted, 401, *n.*, 414, *n.*, 415, *n.*, 420, *n.*,

448, *n.*; letter to Wilkes, 415, *n.*; extract from correspondence, 460, *n.*; correspondence with George Rome, quoted, 515, *n.*

*Palmer*, John, Governor Dongan's Commissioner in Maine, III. 533; his "Impartial Account," &c., 582; arrives in England with Andros, and charges against him dismissed, IV. 67.

*Palmer*, Edward, engaged in the Liveen will case, IV. 490.

*Paper*, currency, issue of, in Massachusetts, IV. 58; the amount of, printed in Massachusetts, 333, *n.*; a further issue of, by General Court of Massachusetts, 394; becomes an affliction in Massachusetts, V. 97; proposal of Thomas Hutchinson concerning, 98; action of the British Ministry concerning, *ib.*; the General Court revive the Land Bank scheme, 99; bills of credit issued under a new law, 100; the experiment proves inefficacious, and brings distress upon the State, *ib.*; letter of Shirley giving an account of the issue of, in Massachusetts, 102, *n.*; plan of Thomas Hutchinson to redeem, with gold coin, 107; the plan finally adopted by General Court, 108.

*Parker*, Archbishop of Canterbury, his opposition to reform, I. 119; contest with the Puritans and death of, 120.

*Parker*, Thomas, opposes Independency in New England, II. 171.

*Parliament*, Puritanical, at the accession of James the First, I. 245; opposition of, to prerogative doctrines, 251; sessions of, discontinued by James, 251; prorogation of, by Charles the First, 271; discontinuance of, by Charles, 273; ordinance for calling the Westminster Assembly, II. 79; adoption of the Solemn League and Covenant, 87; the "Self-denying Ordinance," 97; King Charles I. surrendered to, 104; Pride's Purge, 110; High Court of Justice constituted, *ib.*; House of Peers abolished, 111; the Long, expelled by Cromwell, 288; the Little or Barebones', 289; dissolves itself, 290; another summoned by Cromwell, 294; and dissolved by him, 295; his third Parliament, 298; an "other House" established, 301; dissolution of Parliament, 302; called by Richard Cromwell, 418; quarrel with the army, 419; last session of the Rump, 420; it dissolves itself, 421; act of, for the establishment of post-offices, IV. 327; act of, forbidding the erection of certain mills in New England, V. 94; act of, adopting the Sugar Act, 271; the resistance of the colonies to the Stamp Act discussed in, 346; indignation in, at the news of the tea transaction in Boston, 522; the king

- asserts in, his determination to enforce the laws in the colonies, 547; the "Disturbances in North America" under discussion in, 548; speech of Lord Chatham in, urging conciliatory measures toward the colonies, *ib.*; Lord Chatham presents a bill for "settling the troubles in America," &c., 550; the merchants of London present a petition to restore the commerce between Great Britain and the colonies, *ib.*; address of Lord North to enforce the laws in America, 552; bills of Lord North for "enforcing the laws in America," &c., "restraining commerce," &c., 552, 553; the bills of Lord North passed in, *ib.*; the proposition of Lord North for conciliating the differences with America, 554; speech of Colonel Barré in, against Lord North's bills, 555.
- Parkman*, Francis, preached at New North Church, IV. 338, *n.*
- Parks*, Mr., a missionary preacher, V. 34.
- Parris*, —, an attorney, IV. 557.
- Parris*, Elizabeth, Salem, becomes bewitched, IV. 102.
- Parris*, Rev. Samuel, members of his family bewitched, IV. 101; action taken concerning the bewitched children, 103; dismissed from his church, 115.
- Parsons*, Rev. Jonathan, Newburyport, V. 24.
- Parsons*, Martha, executed for witchcraft, IV. 96, *n.*
- Partridge*, Oliver, present at the Congress at New York, V. 329, 331; mentioned, 357.
- Partridge*, Ralph, death of, II. 408.
- Partridge*, Richard, petition of, in behalf of the Quakers, IV. 450, *n.*; agent for Rhode Island in England, 473, 485; friendly to the Land Bank scheme, 560; instrumental in Belcher's appointment to New Jersey, 562, *n.*; agent of Rhode Island in England, death of, V. 204.
- Partridge*, Samuel, left off the Board of Councillors, IV. 254.
- Partridge*, William, appointed lieutenant-governor of New Hampshire, IV. 213; signs petition for the removal of Dudley, 303; quoted, on Dudley as governor, 345, *n.*; death of, mentioned, 346, 347.
- Passamaquoddy* River, course, &c., of, I. 8.
- Passumpsic* River, I. 7.
- Patent* from the Virginia Company to John Wincomb, I. 153; Plymouth, to Pierce, from the Council of New England, 194; Massachusetts, 290; third Plymouth, to Bradford, &c., 332; conveyed to the freemen, 597.
- Patents*, list of, granted by the Council for New England, I. 397.
- Patrick*, Capt. Daniel, appointed a military instructor for Massachusetts, I. 319; settles at Greenwich, 601; his death, 601, *n.*
- Patrick*, Simon, English divine, IV. 9, 380.
- Paucatuck* River, the boundary between Rhode Island and Connecticut, II. 563; disputes concerning lands on the, 571.
- Pawtucket* Indians. See *Penacooks*.
- Pawtucket* Falls, R. I., IV. 586.
- Pawtuxet*, taken under the protection of Massachusetts, II. 120; dispute respecting, 362; annexed to Providence Plantations, 364; becomes part of the Providence Plantations, *ib.*
- Paxton*, Charles, surveyor of port of Boston, his method of securing revenue duties, V. 234; certain offensive letters written by, 462.
- Pejepscot* (Brunswick), annexed to Massachusetts, I. 593.
- Pelham*, Herbert, chosen magistrate in Massachusetts, II. 253.
- Pemquid*, settlement at, I. 205, 523; taken possession of by Andros, for the Duke of York, III. 532; seized by M. de Nonville, IV. 35, *n.*, 44; a fort constructed at, by Governor Phips, 144; the fort at, attacked by a French squadron, 154; the garrison capitulates and the fort is blown up, *ib.*
- Pemberton*, John, appointment to office by Governor Belcher, IV. 540, *n.*; clerk of common pleas, V. 46, *n.*
- Penacook* Indians, I. 24.
- Pendleton*, Edmund, member of Virginia committee, V. 461; represented Virginia in the first Congress, 538.
- Penhallow*, Samuel, biographical note of, IV. 256, *n.*; author of "History of the Wars of New England," 460, *n.*
- Penn*, Admiral, commands Cromwell's fleet against the West Indies, II. 297.
- Penn*, William, agent for Rhode Island in England, IV. 473; mentioned, V. 518.
- Pennsylvania* promises assistance in the attack on Louisburg, V. 65, 77.
- Penobscot* River, I. 7, 8; how far navigable, 9; French on the, 85; and their depredations, 337; an expedition made to, under command of Colonel Church, IV. 155.
- Penruddock's* conspiracy, II. 295.
- Pepperell*, William, appointed to office by Governor Belcher, IV. 540, *n.*; president of committee of war, V. 59; biographical sketch of, 65; chosen commander of the attack on Louisburg, *ib.*; his distrust of the undertaking, 66; arrival of, at Canseau, 67; his instructions from Shirley, 68;

- landing before Louisburg, 70; takes possession of the fort at Louisburg, 78; arrival in Boston, 78; made baronet, 81; solicits some mark of distinction from England, 81, *n.*; appointed commissioner to treat with the Eastern Indians, 110; engaged in an expedition against Fort Niagara, 142; raising of militia in Massachusetts under, 152; made lieutenant-general of the forces in Massachusetts, 153.
- Pepys*, Samuel, his diary quoted, III. 5, *n.*, 7, *n.*
- Pequannock* (Stratford), settlement at, I. 538.
- Pequot* fort, assault on the, by Mason and Underhill, I. 465; plan of the, 466.
- Pequot* River, question of jurisdiction at, II. 233; John Winthrop, the younger, settles at, *ib.*; plantation at, *ib.*; called New London, 376. See *Nameaug*. *New London*.
- Pequots*, extent of their territory and their power, I. 24, 456; murder Stone and Norton, *ib.*; send an embassy to Boston, 457; murder John Oldham, *ib.*; expedition against, under Endicott, 460; continued hostilities of, 461; number of their fighting men, 462; a party of, dispersed by Mason, 606; protection extended to, II. 331; Mr. Blinman's missionary labors among the, 340; Mason's expedition against, 463; movements of the colonists' force against, 464; assault on the Pequot fort, 465; map of the fort, *ib.*; reflections upon the war against, 467; conclusion of the war, 469; extinction of the tribe, 470; petition Connecticut for relief against Rhode Island, III. 110.
- Percy*, Lord, at the battle of Lexington with the British troops, V. 568.
- Peringskiold*, his "Heimskringla; or, Chronicle of the Kings of Norway," I. 52.
- Perpooduck*, Indian ravages at, IV. 260.
- Persecution* of Protestants by Queen Mary, I. 116.
- Peru* colonized by Spain, I. 66.
- Pessacus* unites with Canonicus in ceding the Narragansett territory to the king, II. 136; his answer to the Federal commissioners as to a breach of the treaty, 229.
- Pestilence* among the natives of New England, I. 98, 100, 362.
- Peter*, Hugh, account of, I. 436; succeeds Williams at Salem, *ib.*; undertakes to revise the administration of government, 437; associated with John Winthrop, Jr., and Vane, in the affairs of Connecticut, 451; rebukes Governor Vane, 476; goes to England, 582; chaplain of the Protector, and attends his funeral with John Milton, 586; his mission, with Bradstreet and Dalton, to Dover, 591; repudiates the name "Independent," II. 86; discourages the attempts to convert the Indians, 334; trial and death of, 426.
- Peter*, Rev. Thomas, connected with John Winthrop, Jr., in the settlement at Pequot River, II. 233.
- Peters*, Samuel, his credibility as an historian, II. 32, *n.*
- Petition* of officers of war for a grant of land, IV. 286, *n.*, 337, *n.*
- Petition* of Right, I. 270.
- Petitioners*, first name of the Whig party, III. 256.
- Petitions* to the General Court of Massachusetts, praying for submission to the royal demands, presented, II. 627.
- Petre*, Father, summoned to the Privy Council by James the Second, III. 455; his character, and intimacy with the king, 458.
- Philadelphia*, reception of the tea in, V. 474; the meeting of the Continental Congress at, 537.
- "*Phileroy Philopatria*," pseudonym of the author of a paper on the Massachusetts charter, III. 385.
- Philip*, or Metacomet, chief sachem of the Pokanokets, III. 143; suspicions entertained of, by Plymouth, 144; renews the ancient treaty made with his father, 145; is charged with hostile designs, *ib.*; offers to surrender his arms, 147; renewed symptoms of disaffection on the part of, 148; complains that he had been ill treated by Plymouth, 149; his humble submission, 150; charges against, by Sausaman, *ib.*; protests his innocence, 152; makes hostile preparations, 153; colonial troops move against, 155; retreats from Mount Hope, 156; escapes to the Nipmucks, 159; Mrs. Rowlandson's interviews with, 187; returns from the West, and prepares for new hostilities, 203; pursued closely by the whites and killed, 204; his distinction above the other sachems of the war undeserved, 222; erroneous views of his character, *ib.*; took no prominent part in the field against the English, 225; remarks upon his motives, &c., 226.
- Philip*, Robert, author of "Life of George Whitefield," V. 3, *n.*
- Philip's* "Life and Times," cited, V. 24, *n.*
- Philips*, Colonel, a delegate from Massachusetts to conclude a peace with the Eastern Indians, IV. 158; in charge of the government of Nova Scotia, 413.

- Phillipps*, Sir Thomas, manuscript minutes of proceedings of the Lords of the Committee, in his Collection, cited, III. 307, *n.*, 309, *n.*, 315, 324.
- Phillips*, John, accused of illicit trading, IV. 300.
- Phillips*, William, a member of House of Representatives, V. 450, *n.*
- Philology*, Comparative, recognizes three great classes of languages, I. 40.
- Phipps*, Constantine, attorney-general for Ireland, IV. 164; mentioned, 202, 335; friendly to sending Dudley as governor to Massachusetts, 202.
- Phipps*, Spencer, succeeds Tailer as lieutenant-governor, IV. 543, *n.*; assumes administration on the departure of Shirley, V. 110; assumes the administration of Massachusetts, 148.
- Phips*, Lady, mentioned as being bewitched, IV. 110.
- Phips*, Sir William, his first appearance as a public character, III. 390, *n.*; his arrival in Massachusetts in 1688, 590; joins Mather in his attempts at court, 591; made councillor, IV. 48, *n.*; commands the attack upon Port Royal, 49; made general of the fleet to attack Quebec, 51; demands the surrender of Quebec, 55; reply of Frontenac to him, *ib.*; defeated in his attack upon the fort, 56; returns with the fleet to Boston, 57; sent to England in the interests of the colony, 58; petitions with Mather for a new charter, 61; made governor under the new charter, 85; renews the plan of an expedition against Quebec, 88; arrival in Boston, and inaugurated as governor, 89; institutes a special court for the trial of witches, 105; letter of, to the Board of Trade concerning his proceeding in the cause of witchcraft, 112, *n.*; act of Legislature to provide a salary for, 141; constructs a fort at Pemaquid, 144; his decline in popular favor, 146; his quarrel with Captain Short, 147; quarrel with Jahleel Brenton, 148; quarrel with Governor Fletcher, 149; called to England to answer complaints against him, 150; death of, 151; question of a successor to, 163; his quarrel with Usher of New Hampshire, 210; undertakes to inspect the fort at Portsmouth, 211; his endeavor to control the militia of Rhode Island, 238, 239; his friendliness to Dudley, 338; concerning the furnishing of timber to the navy, 396; his administration in Massachusetts, 595.
- Physiological* changes produced by the climate of New England, I. 13.
- Pickering*, Colonel, defends the military stores at Salem, V. 560.
- Pierce*, Captain, defeated by Indians and killed, III. 189.
- Pierce*, John, a patent for the Plymouth colonists taken out in his name, I. 193; his bad faith, and his patent cancelled, 209.
- Pierce's Almanac*, printed in Cambridge, V. 218, *n.*
- Pierpont*, —, his suit against Harvard College, IV. 417.
- Pierson*, Rev. Abraham, his labors among the Indians, II. 340; removes with the inhabitants of Branford to Newark, N. J., 596.
- Pierson*, Abraham, first president of Yale College, IV. 372.
- Piers*, Ploughman, his Vision, Tale, and Crede, I. 105.
- "*Pietas et Gratulatio*," a collection of poems sent to King George the Third, V. 217.
- Pigwacket*, the fight of Captain Lovell with Indians at, IV. 441.
- Pike*, Robert, mentioned, IV. 131, *n.*
- Pirates*, arrival of the pirate ship "Adventure" at Long Island, IV. 179.
- "*Piscataqua Rebellion*" mentioned by Usher, IV. 214.
- Piscataqua River*, how far navigable, I. 9; attempted settlements on the, 205; plantation at the mouth of, 522; slow progress of settlement east of the, 522.
- Pitkin*, William, his practice as an attorney, IV. 232; lieutenant-governor of Connecticut, V. 199; made governor of Connecticut, 517; death of, 518.
- Pitt*, William, quoted, V. 80; mentioned, 155, *n.*; made secretary of state and dismissed by the king, 157; made secretary of state, 158; letter to General Abercrombie quoted, 157; confidence of the colonies in his policy for them, 158; his orders to Amherst concerning Louisburg, 164, *n.*; his assurance of confidence in Amherst, 166; accomplishes the conquest of New France, in America, 171; his commendation of Amherst's victories, 171, *n.*; what he accomplished for English power, 174; the confidence of New Hampshire in his policy, 190; his orders concerning the violation of the laws of trade in the colonies, 235; his friendly disposition toward the colonies, 246; his retirement from office, 247; solicited by George the Third to form a new government, 345; advises a repeal of the Stamp Act, 347; his opinion of the Rockingham Ministry, 363; Earl of Chatham forms a ministry, 364; mentioned, 549. See *Chatham, Lord*.
- Plague* in London, 1665, II. 442.
- Plains of Abraham*, the, V. 167.
- Plantation Covenant at Quinnipiack*, I. 529.

*Plantations* about Boston Bay, I. 323.

"*Planter's Plea, The*," cited, I. 177, n.

*Plough Patent*. See *Lygonia*.

*Plymouth* colonists, their departure from Southampton, I. 159; put back to Plymouth, *ib.*; origin of some of their number, 160; many join the expedition in England, 161; storms encountered on the passage, 162; they come in sight of land, *ib.*; their arrival at Cape Cod, 164; their compact for government, 165; remarks upon the history of the colony, *ib.*; their first Sabbath at Cape Cod, 167; their first explorations of the country, *ib.*; their exposures and second exploring expedition, 168; third exploring expedition of, 169; first landing at Plymouth, 171; arrival of the whole company at Plymouth, 172; first Sunday of, at Plymouth, 173; first Christmas at Plymouth, *ib.*; first operations at Plymouth, *ib.*; fatal sickness among, 174; military organization formed by, 176; visited by Samoset and other Indians, *ib.*; treaty with Massasoit, 178; their organization, military and civil, 179; employments and condition during the summer of 1621, 181; embassy to Massasoit, 183; embassy to Nauset, 184; expedition to Namasket, 185; submission of nine sachems to, *ib.*; expedition to Boston Bay, *ib.*; obtain a patent from the Council of New England, 194; scarcity of food among, 196; threatened by the Narragansetts with war, *ib.*; continued scarcity of food among, 198; conspired against by the Indians, and their suppression of the plot, 201; continued scarcity of food among, 211; their success in trading and planting, &c., 225; their good understanding with the Dutch, 226; their release from the engagement with the merchant adventurers, 227; distribution of stock and land, 228; trade farmed out to eight colonists, 230; reception of the Kennebec patent, *ib.*; execution for murder at, 334; Winthrop and Wilson at, 335; dispersion of colonists from, and their settlement at Duxbury and Marshfield, 336; epidemic sickness at, 337; colonists of, suffer from French depredations, *ib.*; factory of, on the Connecticut, 339; early legislation, 340; taxation, 344; quarrel with Massachusetts settlers as to lands on Connecticut River, 452; levy of men, for the Pequot war, 462; factories of, on the Penobscot, Kennebec, Connecticut, &c., 539; unsuccessful expedition against the French, 540; generous conduct toward the settlers in Connecticut and the Dutch, 541; execution of three Englishmen at, for the murder of an Indian, 542; commercial relations with Eng-

lish merchants, 543; prosperity of, 544; disappointments in church affairs, 545; Indian treaty, 547; boundary question between Massachusetts and, 596; conveyance of the patent of, to the freemen, 597; settlement of, with the London partners, *ib.*; population of, at the time of the confederation, II. 6, 7; church membership not necessary for the franchise, 8; remuneration of the magistrates, 11; first excise tax, *ib.*; number of the towns at the confederation, 13; first organization of a court of justice, 15; juries provided for, 18; statutes of the earliest code, 19; scheme of church order at, 36; no union of Church and State in, 40; boundaries of, as settled in the patent to Bradford, 212; quota of, for the Narragansett war, 225; friendliness of, to the Parliament, 367; property of, on the Kennebec, enlarged and confirmed, 368; revision of the laws, and state of the churches, 369; acknowledgment of the king by, 532; disturbance from the Quakers, *ib.*; visit of the royal commissioners, 600; assent of the General Court to their demands, 601; protests against the extinction of New Haven Colony, 631; probable population of, in 1665, III. 35; condition of, as represented by the royal commissioners, 88; laws of, in 1665, 61; General Court, how constituted, 62; inferior courts, 63; offences, *ib.*; revenue, 64; compensation of the governor and the "Old Magistrates" of, in 1665, 98; endowment of a public school, 99; refuses to take part in the movement against the Dutch, 122; refuses a levy of troops against the Indians, 213; towns of, along Cape Cod, unassailed by the Indians, 215; expenses incurred by, during the Indian war, *ib.*; impoverishment of, 230; Randolph's description of, 303, united with Massachusetts Colony, under the government of Kirk, 395; condition of, in 1680, 420; solicits a charter, 422; fails in applications for a charter, 425; divided into three counties, 503; public proceedings at, during the twenty months succeeding the death of Charles the Second, *ib.*; put under the government of Andros, 514; proceedings in, under Andros, 534; proceedings in, on the news of the revolt at Boston, 506; unprotected by charter, IV. 5; responds to a call from Massachusetts for troops, giving Captain Church command, 86; levies a tax to raise the troops, 87; the plan for attaching themselves to Massachusetts being postponed, *ib.*; takes action for a charter, 88; Thomas Hinckley chosen governor, 86; the towns embraced within



- her limits, 586; her rights transferred to Massachusetts, 587.
- Plymouth Company*, North Virginia assigned to the, I. 82; John Smith engaged in the service of the, 94; their expedition in 1615, 95.
- Plymouth Rock*, I. 171, *n*.
- Point Levi*, in St. Lawrence River, IV. 54.
- Pokanoket* or Wampanoag Indians, I. 24; the Nausets tributary to them, *ib.*; missionary labors among the, II. 340.
- Politics* of half a century in New England, IV. 592.
- Pomeroy*, Rev. Benjamin, Hebron, Conn., welcomes Whitefield to Connecticut, V. 26; an itinerant preacher, 30.
- Pomeroy*, Seth, lieutenant-colonel, V. 139; appointed to command the Massachusetts Militia, 544.
- Pomfret*, Conn., IV. 474, *n*.
- Pomham*, a sachem of Pawtuxet, offers allegiance to Massachusetts, II. 123; ordered by the royal commissioners to remove from his land, 604; takes part in the Indian war against the English, and is captured, III. 203.
- Pontgravé*, sails with De Monts for the American coast, I. 77; returns to France, 78.
- Pope*, Alexander, English poet, IV. 384, *n*.
- Popham*, George, an associate of the Plymouth Company, I. 82; president of the settlement on the Kennebec, 83; his death, 84.
- Popham*, Sir Francis, sends several expeditions to the coast of New England, I. 84.
- Popham*, Sir John, engaged in an attempt to establish a colony in New England, I. 78; despatches a vessel from Bristol for a further survey of the coast, 82.
- Popish plot* in England, III. 241.
- Population* (native), of New England, I. 24; (English), in 1665, III. 35; of the colony of Massachusetts, 1633, I. 371; of Massachusetts as computed by Randolph, III. 297.
- Pormont*, Philemon, schoolmaster at Boston, II. 47.
- Porter*, John, banishment of, a subject of dispute between the General Court of Massachusetts and the royal commissioners, II. 611.
- Portland*, Maine, harbor of, I. 10.
- Port Royal*. See *Annapolis*.
- Port Royal*, N. S., visited by De Monts, I. 78; captured by Argal, 234; taken by Sir William Kirk, 235; the French at, 363; an attack made on, under Sir William Phips, IV. 49; Villebon, governor of Acadia, resumes possession of, 93, *n*.; an attack made upon, by Massachusetts, 271; the besiegers repulsed, *ib.*; a second attack made under Wainwright, 272; retreat of the troops from, 273; Dudley's chagrin at the failure of the expedition, *ib.*; surrenders to an attack made by Colonel Nicholson, 277.
- Portsmouth*, Louise de Querouaille, Duchess of, introduced to the English court, III. 12.
- Portsmouth*, N. H., persons murdered by Indians at, IV. 151; its commerce with the West Indies, V. 192; its flourishing condition, 496; the king's fort at, attacked, 556; the people of, refuse to receive a cargo of tea, 536.
- Portsmouth*, R. I., settled, I. 514; united to Newport, *ib.*; represented in General Assembly, IV. 466, 585.
- Postage*, the rate of, fixed by House of Commons, IV. 330.
- Post-office*, established in Massachusetts, I. 552, III. 54, 306, *n*., 484, 548, *n*.; act of Parliament for the establishment of, in New England, IV. 327; House of Commons increases the revenues from the, 330; the act for raising a revenue from, accepted in New England, 331; institution of the first one in England, *ib.*; complaints of payments in depreciated currency, 332; establishment of a, in Connecticut, 363.
- Post-offices*, the, in North America in 1715, IV. 330, *n*.
- Potato*, first culture of, in this country, IV. 467.
- Povey*, Thomas, lieutenant-governor of Massachusetts, IV. 247; salary granted him as captain of the Castle, 202; his return to England, 299; mentioned, 310, *n*., 431, *n*.
- Pownall*, Gov. Thomas, quoted, IV. 18, *n*.; extract from a letter by, V. 150; had held offices in New York, &c., 153; appointed governor of Massachusetts, *ib.*; commissions Pepperell lieutenant-general of the forces of Massachusetts, 153; letter to Pitt, 155; letter to Pitt quoted, 157, *n*.; letter concerning the raising of troops in Massachusetts, 158, *n*., 159; builds a fort on Penobscot River, 166, *n*.; appointed governor of South Carolina, 175; his harmonious administration in Massachusetts, 176, 176, *n*.; moves for a repeal of the Townshend Revenue Act, 397; proposes an amendment to Lord North's repeal of the tax, 428.
- Pownall*, Fort, built on the Penobscot River, V. 175; an increase of the garrison at, proposed by Bernard, 380, *n*.
- Powow*, or medicine-man, I. 35, 47.
- Præmunire*, statute of, I. 106.
- Pratt*, Aaron, V. 176, *n*.
- Pratt*, Benjamin, chief-justice of New York, V. 176, *n*.; member of the House of Representatives, 249, *n*.

- Pratt*, Phinehas, carries the intelligence of an Indian conspiracy to Plymouth, I. 202, *n.*; mentioned, V. 176, *n.*
- "*Praying Indians*," number of, in New England, 1674, III. 141; their position in the Indian war, 199; restrictions upon the, 200; at Natick, withdrawn to Deer Island in Boston harbor, 202; on Cape Cod and Martha's Vineyard, remain faithful to the English, *ib.*
- Preble*, Jedediah, appointed to command the Massachusetts militia, V. 544.
- Prelacy* reinstated in Scotland, II. 439.
- Prerogative* doctrines in Parliament, I. 248; of the High Church party, 250.
- Presbyterianism*, dispute with the Anglican Church, II. 71; with the Independents, *ib.*; the church polity of Calvin, 72; its adoption in Scotland, 73; its appearance in England and connection with Cartwright, 74; substitution of, for Episcopacy, 79; position of, in the "Westminster Assembly," 81; dominant spirit of, in the Assembly, 88; politics of, 92; its adherents oppose the "Self-Denying Ordinance," 96; established as the religious faith of England, 101; ordinances for its support disregarded, 102; jealousy of the army, 104; revives in London, 105; defeated in the struggle with Independency, 106; unacceptable to the people of New England, 166; cabal of Presbyterians in Massachusetts, *ib.*; position of, in the early part of the reign of Charles the Second, 482; identified with the Fifth Monarchy, 435.
- "*Present State of New England*," cited, III. 106, 177, 201.
- Preston*, Captain, action of, in the Boston Massacre, V. 417, 418, 421.
- Prices* and expenses regulated by law, I. 33.
- Pride*, Colonel, purges the Parliament, II. 110; opposes Cromwell's election to be king, 300.
- Prideaux*, General, in expedition against Quebec, V. 165; death of, *ib.*
- Prince*, Mary, a Quaker, imprisoned in Boston, II. 464.
- Prince*, Thomas, governor of Plymouth Colony, I. 342; commissioner for Plymouth on the Kennebec, II. 369; his death, III. 97.
- Prince*, Rev. Thomas, his "Chronological History," cited, I. 145, *n.*, 158, *n.*; author of "Christian History," V. 3, *n.*, 4, *n.*; mentioned, 4; quoted concerning the decline of religious fervor, 21.
- Pring* or *Prynne*, Martin, sails from Milford Haven for America, I. 74; returns to England, 75; effect produced by reports of his voyage, 82.
- Printing*, the liberty of, established in Massachusetts, IV. 405.
- Printing-press* established at Cambridge, II. 45, III. 69, *n.*; no person to keep any, without license from Andros, 562.
- Prior*, —, English author, IV. 384, *n.*
- Prisoners* of war, liberation of, by the French governor, IV. 267.
- Private bank*, the project of, IV. 334.
- Privateering* set up in Rhode Island, II. 359; proceedings against, in Connecticut, 378.
- Privy Council*, complaints against the Massachusetts colonists to the, I. 364; a new committee of, appointed by King William, IV. 20; disallows of acts passed by the Provincial Legislature, 160; action of, on the acts of the General Court to establish judicatories, 172, 173; action of, concerning the prisoners Vetch, Borland, and others, 302; disallows certain post-office arrangements, 329, *n.*; appeal of Samuel Allen to the, concerning his land claim, 347; action of, concerning charges made against Connecticut, 368; causes an inspection of the naval productions of New England, 396; a petition of Walter Newberry and others to, in behalf of the Quakers, 450, *n.*; recommends a fixed salary for the governor of Massachusetts, 456; advises the annexation of Rhode Island and Connecticut to New Hampshire, 467; orders the appeal of Massachusetts General Court to be laid before Parliament, 519, *n.*; concerning the appointment of an attorney-general, 523, *n.*; decision of, concerning the governor's salary, 525; decision of, concerning the boundary of Massachusetts, 558; decision of, in the inheritance case of John Winthrop, F. R. S., 577; proposal of, for a fixed salary for the governor of Massachusetts, V. 343; orders Boston harbor to be garrisoned by the king's troops, 438.
- Proceedings* of Massachusetts Historical Society, cited, V. 404, *n.*
- Processes*, how conducted in New England, II. 19.
- Proclamation* for Conformity, I. 119; of King James for Episcopacy, 128.
- Proctor*, Elizabeth, accused of witchcraft, IV. 104.
- Proposal* of a treaty to be made between New France and New England, IV. 269, *n.*
- Protestant Church* of England gaining respect, IV. 380.
- Protestation* of the House of Commons, I. 260.
- Providence*, foundation of, laid by Roger Williams, I. 422; early records of, lost, 424; form of government at, *ib.*; not admitted into the Colonial Confederacy, 630; disorders of Samuel Gorton



- and others at, II. 116; applies to Massachusetts for aid, *ib.*; part of the settlement surrendered to Massachusetts, 120; patent granted to the plantations of, 215; difficulties with Plymouth and Massachusetts, 216; institution of a government under the patent, 219; dissolution of the government, 220; separation of, and Warwick, from Rhode Island, 356; represented in General Assembly, IV. 466; establishment of the Episcopal Church at, 470; a school established at, 591; Brown University removed to, V. 294.
- Providence* Plantations, a county of Rhode Island, IV. 359.
- Province* House, the, Boston, mentioned, IV. 220, 245; Governor Hutchinson requests that it be put in repair for his occupancy, V. 443, 453, *n.*, 459, *n.*
- Province* laws, the, V. 57, *n.*
- Provincetown*, situation of, I. 164; grant made for a meeting-house at, IV. 403, *n.*
- Provincial* Congress, the, held in Massachusetts, V. 543; takes measures to resist the acts of Parliament, 544; ratifies the proceedings of the Continental Congress, 545; publishes a resolve to take measures for general defence, 561; second meeting of, in Massachusetts, 557; action taken for defence, 558; no hopes of a favorable issue from Parliament, 559.
- Provisors*, statute of, asserts for the English Church independence of Rome, I. 103.
- Provot*, Major, with Frontenac at Quebec, IV. 54.
- Proxy*, votes by, authorized, I. 443.
- Prudlen*, Peter, at Quinpiack, I. 529; settles at Milford, 534.
- Prynne*, William, severely punished by the Star-Chamber Court for publishing his "Histrio-Mastix," I. 563; discharged from prison by the Long Parliament, 572; a defender of Presbyterianism against the Independents, II. 90, *n.*
- Psalmody* in New England, II. 41.
- Public* Bank, a, proposed by Dudley, IV. 334.
- Public* Worship, legal obligation to attend, II. 33; mode of conducting, 40.
- Pulteney*, William, Earl of Bath, letter of, concerning peace with France, V. 223.
- Purchas*, Thomas, settles at Pejepscot (Brunswick), I. 593; surrenders his settlement to Plymouth, II. 369; his house plundered by Indians, III. 206.
- "*Puritan* Commonwealth," reflections upon the author of the, I. 470.
- Puritanism*, origin of, I. 101; public manifestation of, 122; full development of, 274; its use of Scripture, *ib.*; its morality, 276; its public action, 277; its habits and manners, 278; power of, crippled under Charles the Second, IV. 4; defeat and end of, *ib.*
- Puritans*, the, opposition of, to religious forms and ceremonies, I. 118; strength of, in Parliament, 120, 245; gloomy prospects of, 131; their position in the Church, 283.
- Purveyance*, ancient right of, its abuses, I. 245.
- Putnam*, Ann, remorse for her conduct while bewitched, IV. 117.
- Putnam*, Israel, mentioned, IV. 496; a major of rangers under Abercrombie, V. 161; soldier in an expedition against Crown Point, 139; made lieutenant-colonel of a Connecticut regiment, 202; a grant of money to, 202, *n.*; lieutenant-colonel in the war against Spain, 301; marches to the defence of Boston, 537, *n.*
- Putnam*, Thomas, his daughter Ann bewitched, IV. 102.
- Pym*, John, in Parliament, I. 569; observations upon his death, 578.
- Pynchon*, Col. John, treats with the Mohawk Indians, IV. 43, *n.*; death of, mentioned, 254.
- Pynchon*, William, treasurer of the colony, succeeded by Coddington, I. 374; settles at Springfield, 454; desires the annexation of Springfield to Massachusetts, 604; chosen assistant, 613; his heretical book, II. 395, *n.*

## Q.

- Quadequina*, brother of Massasoit, I. 179.
- Quadrupeds* of New England, I. 19.
- Quakers*, remarks upon the sect of, II. 452; origin of, 453; spread of, 458; how received in England, 459; alarm respecting them in Massachusetts, 460; appearance of, at Boston, 463; action of Federal commissioners and proceedings in Massachusetts in reference to, 465; further action of Federal commissioners in reference to, 469; exiles returning to Massachusetts to be punished with death, 472; execution of Robinson and Stevenson, 478; of Mary Dyer, 480; of William Leddra, *ib.*; modification of the law against, in Massachusetts, 482; proceedings against, in the smaller colonies of New England, 484; mandamus respecting, sent to Massachusetts, 519; troubles from, in Plymouth, 532, *n.*; their influence in Rhode Island, III. 105; debate with Roger Williams, 108; complaints against Massachusetts, 313; address to the king from Rhode Island, 506; their oppression

- in the government of Rhode Island, IV. 355, 361; dispute with, brought to an issue, 449, *n.*; a petition, presented to the Privy Council in behalf of, 450, *n.*; protest against, being taxed for the support of ministers, *ib.*; law passed relieving them from parish taxes, 528; their friendliness to Governor Belcher, 562, *n.*
- Quarry**, Robert, judge of Admiralty, quoted, concerning Dudley, IV. 252.
- Quebec**, a meeting of commissioners plan the expedition against, IV. 49, 50; plan of the campaign, 51; a plan for the conquest of, 145; the project not pursued, 146; plan for an expedition against, 275; scheme of Lord Bolingbroke for the conquest of, 280; Massachusetts assists in his scheme, 281; sailing of the fleet from Boston, 283; disastrous fate of the expedition, *ib.*; the fleet returns to Boston, 284; Shirley's proposal for an attack on, V. 83; another plan for the expedition to, 165; the siege, and surrender of, to Wolfe, 168, 169; act of Lord North for making provision for the government of the province in, 528.
- Quincy**, Edmund, death of, in England, IV. 557.
- Quincy**, Hon. Josiah, III. vi.; V. 420, *n.*
- Quincy**, Josiah, Jr., "Reports of Cases," &c., cited, V. 219, *n.*; a graduate of Harvard College, 405, *n.*; mentioned, 415, *n.*; counsel for the prisoners in the Boston Massacre investigation, 420; present at the debate in Parliament, 550, *n.*; quoted on the motive for the exclusion of Mather from the College, IV. 315, *n.*
- Quincy**, Samuel, conducts the prosecution in the Boston Massacre investigation, V. 420; death of, mentioned, 420, *n.*
- Quinnipiack**, emigration to, I. 529; plantation covenant, 530; organization of a government, 531; the Bible to be the only law at, 533; town called New Haven, *ib.*
- Quinsigamond** (Worcester), burnt by the Indians, III. 175.
- Quit-rents** demanded by Andros, III. 529; resistance to the demand punished, 530.
- Quo Warranto**, against the Company of Massachusetts Bay, I. 402; disregarded in the colony, 403; against the city of London, III. 259; against various boroughs, 260; recommended by the Lords of Committee against the charter of Massachusetts, 317; urged by Randolph, 339; issued against the charter of Massachusetts, 376; its reception in Boston, 379; difference between the writ of *scire* *facias* and, explained, 392; against the charter of Rhode Island, 505; against Connecticut, 508.

## R.

- Rafn**, Carl Christian, his theory in respect to the discovery and settlement of New England by the Northmen, I. 55, *n.*; his opinion respecting the inscription on the Dighton Rock, 56, *n.*; and the tower at Newport, 57, *n.*
- Raleigh**, Sir Walter, Sir Humphrey Gilbert's patent of discovery renewed to, I. 70; the patent forfeited or lost, 81; his account of Guiana, 149.
- Raleigh**, —, English author, IV. 384, *n.*
- Randolph**, Edward, his mission to New England, III. 284; his interview with the Council of Massachusetts, *ib.*; complaints of the neglect of the navigation laws, 287; visits New Hampshire and Plymouth, 288; is reproved by the governor of Massachusetts, and returns to England, 289; his description of New England, 296; his answer to the Massachusetts memorial, 305; his representation referred to the Committees for Trade and Plantations, 306; made collector of customs in New England, 317; recommendations to the Lords of the Committee 324; his return to Massachusetts from England, 333; his proceedings, 338; renewed complaints of, 339; returns to England, 348; his reports to the home government, 344; recommends Lord Culpepper for governor of North America, 347; returns to Boston, 349; his active hostility to the colony, 354; his letter to the bishop of London, 356; his letter to Sir Lionel Jenkins, 357; extracts from several letters of, 358; his continued quarrel with the Massachusetts government, 363; his urgency for writs of *quo warranto* against the charters, 364; his second letter to Sir Lionel Jenkins, 367; ordered to return to England, 370; his proceedings on his return, and his charges against Massachusetts, 376; ordered to return to New England with a notification of the *quo warranto*, and a "Declaration" from the king, 376; recommends a show of force to accompany the process, 378; returns to Massachusetts, 379; returns to England and reports upon the reception of the writ in Massachusetts, 386; his "Narrative of the Delivery of his Majesty's writ of *Quo Warranto*," 387; his operations as collector in New Hampshire, 405; prosecutes the claim of the Duke and Duchess of Hamilton against Connecticut, 439; petitions

- King James the Second to erect a temporary government in Massachusetts, and to issue writs of *quo warranto* against the charters of Connecticut and Rhode Island, 482; commissioned as postmaster of New England, 484; returns to Boston with the exemplification of judgment against the charter, *ib.*; a counsellor in Massachusetts as well as secretary and registrar, 485; his relations with Dudley, 491; his zeal for the Church, as displayed in his correspondence with Archbishop Sancroft, 495; complains of Dudley and others, 501; further extracts from his letter, *ib.*; proceeds against the charter of Rhode Island, 505; proceeds against the charter of Connecticut, 507; serves the writ of *quo warranto* on the secretary of Connecticut, 509; assumes to be censor of the press, 519, *n.*; farms out the fees of his office, 523; advises Connecticut to submit to Andros, 537; prosecutes Increase Mather for defamation, 553; denounces the rapacious conduct of Governor Dongan's agents in Cornwall, 559; describes the position and prospects of his English friends in Boston, 559, *n.*; quotation from a letter of, discussing the merits of Mather, Nowell, &c., 566, *n.*; quotations from his official entries pertaining to the commerce of Boston in 1688, *ib.*; imprisoned in the common jail, 577, 583; makes complaint to the Board of Trade, IV. 62; creates obstacles to the renewal of a charter, 64, 65; returns to England with Andros, and charges against him dismissed, 67; author of memoirs, prejudicial to charter government, 69; surveyor of the woods, 79; his hostility to Lord Bellomont, 196, *n.*; offices which he held in the colonies, 237, *n.*; commissioned as surveyor of woods in Maine, 395, 398.
- Randolph*, Mrs. Edward (Sarah), petition of, IV. 62.
- Randolph*, Peyton, member of Virginia correspondence committee, V. 461; appointed president of the Continental Congress at Philadelphia, 537.
- Rasilli*, French commander at Cape Breton, I. 540.
- Rasle*, Sebastian, Catholic missionary to the Indians, IV. 151, 259; his mission at Norridgewock, 418; his seizure ordered by the General Court, 422; his papers taken possession of by the English, 422, *n.*; incites the Indians to hostilities, 435; killed in an attack upon Norridgewock, 438; note of, 438, *n.*
- Ratcliffe*, Philip, punished and banished from Massachusetts, I. 351, 500.
- Ratcliffe*, Rev. Robert, the first Episcopal minister in New England, III. 494; opposition to his labors in Boston, as described by Randolph, 500; represents his grievance in England, IV. 66; rector at King's Chapel, 189.
- Rate*, method of apportioning, III. 50, 230, *n.*, 520.
- Rawson*, Edward, secretary of the Massachusetts Colony, declines surrendering the records to Randolph, III. 486, *n.*
- Rawson*, Grindal, report on the Indians in Massachusetts, IV. 29, *n.*
- Raynal*, Abbé, mentioned, V. 131.
- Rayner*, John, minister at Plymouth, I. 545.
- Rayner*, Thurston, elected a magistrate of New Haven Colony, I. 603.
- "*Reasons why the British Colonies in America should not be charged with internal Taxes*," &c., a pamphlet by the people of Connecticut, V. 303.
- Recognition*, Act of, passed, I. 244.
- Redwood Library*, the, at Newport, R. I., IV. 591.
- Reed*, John, member of the House of Representatives, V. 249, *n.*
- Reeves*, John, a writer in favor of the Quakers, II. 460.
- Reformation* in England, I. 108; progress of the, in the reign of Edward the Fourth, 111.
- "*Re-forming Synod*," held at Boston, in 1679, III. 330, *n.*, result of the, 331, *n.*
- Regicides*, trial of the, II. 426; twenty-nine persons convicted and ten executed, *ib.*; in Boston, 495; their history, 496; at Cambridge, 497; fly from Massachusetts, 498; at New Haven, 499; Endicott's order for their apprehension, 500; account of the pursuit of, 501; at Milford, 506; at Hadley, 507; death of Whalley and Goffe, *ib.*
- Registration* of births, marriages, and deaths, established in Massachusetts, I. 551.
- Relief law* in Massachusetts, I. 610.
- Religion*, support of the institutions of, enforced by law, II. 33; support of, in Connecticut, IV. 231; decline of, in New England, V. 8; revivals in, during the ministry of Rev. Solomon Stoddard, 4; an earthquake at Boston causes a revival in, *ib.*; excitement caused by the preaching of Rev. Jonathan Edwards, 5; revivals in, caused by the preachings of Whitefield, Tennent, and Davenport, 9, 13, 15; revivals of, in Connecticut, 25; action of the clergy and government of Connecticut to prevent irregular preaching, 28, 29, 32; action of the church and government of Connecticut concerning itinerant preaching, 28, 29.
- Religion* of the aborigines, I. 43.
- Religious observances* in New England, III. 49.

*Remonstrance* adopted by the House of Commons, &c., I. 574; sent by the army to the House of Commons, II. 109.

*Representatives* in the General Court. See *Deputies*.

*Reptiles* of New England, I. 19.

*Repudiation* of public debt in England, III. 13; never practised in New England, 230.

*Resident's oath*, a measure for securing allegiance to the colony, I. 410.

*Resolutions* of the people of Boston to discontinue importation, V. 390, n.

*Resolves* of Parliament condemning the proceedings in Boston, of resistance to the king's law, V. 397; of the House of Burgesses of Virginia on the Townshend Revenue Act, 509, n.; of the committee appointed to consider the Boston Port Bill, 580.

*Revenue*, the scheme in Boston to oppose the, V. 410; debate in Parliament on the repeal of, 428; Lord North's measure for a partial repeal of, 427.

*Revenue Commissioners*, arrival of, in Boston, V. 385; assaulted by a mob, while seizing a vessel owned by John Hancock, 387, 387, n.; take refuge at the Castle, 388.

*Revenue law* for the colonies passed, III. 279.

*Revenue system* of Massachusetts, improvements of the, II. 261; III. 50; as stated by Randolph, 300.

*Revocation* of the Edict of Nantes, III. 453.

*Reynolds*, Doctor, represents the Puritans in the conference at Hampton Court, I. 129.

*Rhode Island*, superficial measurement of, I. 3; situation of, *ib.*; municipal system of representation in, 382; number of its towns in 1850, II. 12; applies for admission to the New England Confederacy, 223; difficulties between the early settlements in, 358; privateering, 359; reunion of the four original towns, 362; number of free men in, *ib.*; continued disorder in, 364; relations of, to the English Commonwealth, 558; memorial to the Protector, 559; address to Richard Cromwell, *ib.*; Charles the Second proclaimed king in, *ib.*; charter granted to, 565; population of, at the time of the charter, 570; reception of the charter, *ib.*; disputes with Connecticut and Massachusetts as to jurisdiction, 571; visited a second time by the royal commissioners, 605; General Court of, humbly address the king, 606; probable population of, in 1665, III. 35; condition of, as represented by the royal commissioners in 1666, 37; charter government of, 99; and its feeble ad-

ministration, 100; factions and disorders in, 101; assessment of taxes upon the various settlements in, *ib.*; influence of the Quakers in, 105; George Fox in, 106; entertains designs against the Dutch, 108; difficulties with the English governor of New York, *ib.*; boundary question between Connecticut and, 109; takes no part in the Indian war, 229; transfers the quarrel with Connecticut to England, 430; declines to appear before the Board of Award, 438; her claims to the Narragansett country set aside, *ib.*; affairs in, from 1674 to 1683, 504; proceedings against the charter of, and a writ of *quo warranto* ordered by the king, 505; proceedings in, upon reception of the writ, *ib.*; Andros demands the charter of, 518; the demand not complied with, *ib.*; annexed to the government of Andros, 535; charter of, withheld from Andros, 536; proceedings in, on the deposition of Andros, 596; charter of, surrendered, IV. 5; arrest of Andros in, 234; after the revolution, *ib.*; yields her charter to King James, *ib.*; bewails the removal of Andros, 235; under the Quaker administration, 236, 237; Randolph quoted concerning the government of, 237; her relations toward sister colonies, 238; claims the right of controlling her militia, *ib.*, 239; her address to England, 239; implicated in piratical transactions, 240; action of the Privy Council concerning her eastern boundary, *ib.*; her militia under the command of the governor of New York, *ib.*; rebuked by the Board of Trade, 241; the general disorder prevailing in, 242; applied to, by Dudley for troops, 268; assists Dudley in an attack upon Port Royal, 271; deny the claim of Dudley to control their militia, 354; deny Dudley's claim as vice-admiral, *ib.*; the Quaker element in, 355, 361; settlement of the boundary with Connecticut, 356; the census report of, 357; complained of, by the Board of Trade for non-conformance to the Navigation Laws, 358; her municipal arrangements, 359; her backwardness in participation of war expenses, *ib.*; her issue of bills of credit, 360; the population of, in the reign of King George the Fourth, 466; charges made against the people of, by the Board of Trade, 467; her charter in danger, 467; the Privy Council advises her annexation to New Hampshire, *ib.*; her neutrality in the Indian war, 468; her issue of paper money, 469; the laxness of the laws in, *ib.*; the support of the ministry to be by free

- contribution, 470; militia and franchise laws of, 472; disfranchisement of Roman Catholics in, *ib.*; her circulation of paper money in Massachusetts, 549; population and industries in the reign of George the Second, 585; concerning her boundary, 586, 588; education in, 591; in the war with Spain, 592; but slightly affected by the religious awakening, V. 33; preaching of Davenport the rivalist in, 34; represented at Albany, concerning a confederation of the colonies, 203; her part in the wars with France, *ib.*, 204; furnishes a library at Providence, *ib.*; accused of privateering, 204, 204, *n.*; establishment of a newspaper in, *ib.*; concerning voters in, *ib.*; sends troops to Louisburg, also for the invasion of Canada, *ib.*; her response to calls for troops, 206; population of, in 1748, *ib.*; her recklessness in financial matters, 207; the establishment of Brown University in, 294; the violation of the revenue laws in, 295; writs of assistance not issued in, *ib.*; a memorial from, to the Board of Trade remonstrating against the Sugar Act, 295, 299; desires a repeal of the Sugar Act, 298; the governor refuses to maintain the Stamp Act, 504; joins with other colonies for the repeal of the Stamp Act, 505; the alarm of the custom-house officers concerning the enforcement of the Stamp Act, 505, *n.*; the impressment of sailors in, *ib.*; the question of indemnity for Augustus Johnston and others considered in, 506; the two party factions united by the action of Governors Ward and Hopkins, 507; sends an address to the king affirming its exemption from the Revenue Act, 508; correspondence of Governor Wanton with Lord Hillsborough, *ib.*; the reception of the circular letter from Massachusetts, *ib.*; Stamp Act, the action in, concerning, *ib.*; appoints its committee of correspondence, 514; the census of, 515; not affected by the arrival of the tea-ships, 515; the indignation caused in, by the letter of George Rome derogatory to the government, *ib.*; sends representatives to the Congress at Philadelphia, 536; makes military preparations for defence against the king, 556; sends troops to Boston on the breaking out of the rebellion, 564. See *Aquetnet*.
- Ribero*, Diego, his map of the eastern coast of America, drawn 1529, I. 96.
- Richards*, John, agent from Massachusetts to England, III. 342; Randolph's opinion of, 357.
- Richardson*, Captain, prevented from capturing a king's ship in Boston harbor, II. 163.
- Richardson*, —, kills the German boy, Snyder, in a street quarrel, V. 416.
- Richardson's* "Pamela," reprinted in Boston, V. 218, *n.*
- Richelieu*, Cardinal, concerned in the government of Canada, IV. 87.
- Richmond*, Duke of, measure proposed by, of sending accused persons to England for trial, V. 514, 553.
- Richmond*, Fort, on the Kennebec River, IV. 437.
- Ridgefield*, Conn., IV. 474, *n.*
- Riggs*, John, his narrative of the proceedings at Boston against Sir Edmund Andros, III. 585, *n.*; an officer of Andros, IV. 62.
- "Rights of the British Colonies asserted and proved," by James Otis, Jr., V. 266-272.
- Rindge*, John, sent to England concerning the boundaries of New Hampshire, IV. 572; mentioned, V. 492, *n.*
- "Rise, Reign, and Ruin of Antinomianism," &c., V. 19.
- Rivers* of New England, their sources, direction, and general character, I. 7; threefold division of, *ib.*; names and description of the eastern division, 8; names and description of the western division, *ib.*; their great service to civilization, 10.
- Robertson*, —, his fragment of the History of New England, I. 153.
- Robinson*, —, secretary, mentioned, V. 189, *n.*; 206.
- Robinson*, —, revenue commissioner, his assault upon James Otis, V. 413.
- Robinson*, John, teacher of the congregation at Scrooby, I. 134; takes charge of it as successor to Clifton, 140; asks permission to remove from Amsterdam to Leyden with his congregation, 140, *n.*; his character, 143; his writings, 145; his place of burial, *ib.*; his sermon upon the design of his congregation to emigrate, 155; his sermon at the embarkation from Delfthaven, 156, *n.*; his parting letter to his congregation, 159; his letter to the settlers at Plymouth, 174, *n.*; his position among the reformers, 217; unwillingness of the merchant adventurers to have him emigrate to New England, *ib.*; his death, 224; grief of the colonists for, 225; how he differed from Robert Browne, II. 83; "father of the Independents," *ib.*
- Robinson*, Samuel, sent to England in the service of settlers in New Hampshire, V. 498.
- Robinson*, William, a Quaker, his proceedings and death, II. 474.
- Roche*, Marquis de la, establishes a settlement on the Isle of Sable, I. 234.



- Rochester*, N. H., IV. 462.
- Rockingham*, Marquis of, at the head of a new ministry, V. 345; at the head of the treasury, 346; opposed to the Stamp Act, *ib.*; quoted concerning the Stamp Act, 351; as a debater, 363; mentioned, 377; determines on a change of governor for New Hampshire, 492; protest of, against Lord North's bill, 527, 553.
- Rogerences*, or Seventh-Day Baptists, in Rhode Island, IV. 476.
- Rogers*, Mr., his unsuccessful ministry in Plymouth Colony, I. 231.
- Rogers*, Rev. Ezekiel, his election sermon, I. 614.
- Rogers*, Dr. John, succeeds Oakes as president of Harvard College, III. 556.
- Rogers*, John, his disciples called Rogerenes in Rhode Island, IV. 476.
- Rogers*, Nathaniel, mentioned, V. 462.
- Rogers*, Robert, commands company of rangers in New Hampshire, V. 190; makes an assault upon the Indians at St. Francis, 191.
- Rolf*, Mr., killed by Indians at Haverhill, IV. 274.
- Roman Catholics*, disfranchisement of, in Rhode Island, IV. 472.
- Romanism*, sympathies of Queen Elizabeth with, I. 117.
- Romanists* not allowed to hold a franchise in Massachusetts, I. 498.
- Rome*, George, Newport, mentioned, V. 462; his letter to England derogatory to the provincial government, 515.
- Romney*, Earl of, a stockholder in a privateer, IV. 181.
- "*Romney*," English ship-of-war, in Boston harbor, V. 390.
- Ropes*, Nathaniel, judge, will not accept of the support of the crown, V. 478.
- Roscommon*, —, English author, IV. 384, *n.*
- "*Rose*" frigate, dismantling of the, III. 582.
- Roses*, Wars of the, not a period of religious strife, I. 107.
- Rosier*, James, his "True Relation" of Weymouth's second voyage, I. 36, *n.*, 75.
- Rossiter*, Bray, creates a disturbance at Guilford, II. 555.
- Rouse*, William, sent to Nova Scotia for prisoners of war, a pretence for illicit trade, IV. 299.
- Rouville*, Hertel de, an officer under Frontenac, IV. 47; leads the attack upon Deerfield, 261; leads an attack upon the English settlements, 274.
- Rowe*, —, English dramatic writer, IV. 384, *n.*
- Rowe*, Mrs., English authoress, IV. 384, *n.*
- Rowe*, —, Boston, V. 394, *n.*
- Rowlandson*, Rev. Joseph, minister at Lancaster, III. 183; an incident of his youth, 183, *n.*; goes to Boston to solicit relief against the Indians, *ib.*; his house attacked and destroyed, 184.
- Rowlandson*, Mrs. Mary, her "True History of the Captivity of," &c., cited, III. 182, 183, 184, 186, 187; ransomed from captivity, 187; letter from the Indians in reference to the exchange of, 188; her opinion of the Praying Indians, 199.
- Roxburgh*, Duke of (Mr. Methuen), IV. 660, *n.*
- Roxbury*, description of, in the "Wonder-Working Providence," II. 271.
- Royal Society of Northern Antiquaries* at Copenhagen, I. 52.
- Rudyard*, Sir Benjamin, his alarms for English liberty, I. 570.
- Ruggles*, Timothy, chosen president of the Congress held at New York, V. 328; reprimanded for his conduct at the Congress, 343.
- Rumford* (Concord, N. H.), incorporated, IV. 462.
- Rumsey*, Colonel, discloses the Rye-House Plot, III. 262.
- Rupert*, Prince, commands the Royalist forces at Edgehill, I. 578; besieges Gloucester, *ib.*; relieves York and is defeated at Marston Moor, II. 69; his conduct at Naseby, 99; surrenders Bristol and is ordered to leave England, 100.
- Rushworth*, Edward, a councillor in Maine, II. 384.
- Rushworth*, John, his "Historical Collections," cited, I. 264, 266.
- Russell*, Hon. George, admitted to the freedom of Massachusetts, III. 334.
- Russell*, James, obliged by Governor Andros to purchase patents for his lands, III. 530.
- Russell*, James, attempts a court of jurisdiction, IV. 28, *n.*
- Russell*, Lord John, mentioned, V. 224, *n.*
- Russell*, Rev. John, removes from Wethersfield to Hadley, II. 506; conceals the regicides, 507.
- Russell*, John, joins the Baptists, III. 91; writes a narrative of their sufferings, 92, *n.*
- Russell*, Lord William, one of the Council of Six, III. 261; arrested for complicity with the Rye-House Plot, 262; his trial and conviction, 263; his execution, 264.
- Russell's* "Correspondence of Fox," cited, V. 363, *n.*
- Russia Wharf*, the tea-ships lay at, V. 475.
- Rutherford*, Rev. Samuel, an opponent of Cotton in the controversy between

the Presbyterian and Independents, II. 91.  
*Rye-House Plot*, the, III. 261; represented as a part of the conspiracy of the "Council of Six," 266.  
*Rye*, attacked by Indians, IV. 93.  
*Ryswick*, some provisions of the treaty, IV. 168.

## S.

- Sabbath*, observance of the, by the Puritans in Holland, I. 147; in New England, II. 41, 44, III. 136.  
*Sabbatarians*, the society of, at Westerly, R. I., IV. 471.  
*Sachem*, an Indian functionary, I. 38.  
*Sacheverel*, Dr., IV. 335.  
*Saco*, one of the original counties of Maine, I. 527; mentioned, IV. 80; Englishmen massacred by Indians at, 34.  
*Saco River*, its course, &c., I. 8; partly navigable, 9.  
*Sacononoco*, sachem of Pawtuxet, submits to Massachusetts, II. 123.  
*Sadleir*, Mrs., her account of Roger Williams, I. 405; her correspondence with Williams, II. 357.  
*Saffery*, —, surveyor, IV. 232.  
*Saffin*, John, nominated as councillor, IV. 254; rejected as councillor by Dudley, *ib.*  
*Sagadahoc*, early name of Kennebec River in Maine, attempted settlement on the, I. 83.  
*Sagamore*, an Indian functionary, I. 38.  
*Sainsbury*, W. Noël, III. vii.  
*Salary* for the governor, act of Legislature to provide, IV. 141; the question of, for the governor in Massachusetts, 178; the question of, in dispute between Dudley and the General Court, 289, 292, 295; refusal of the Legislature to grant a, to Shute, 402; the Privy Council recommend a fixed, for the governor of Massachusetts, 456; the dispute between Governor Burnet and the House in regard to, 503–512; the matter referred to the Board of Trade, 519, 519, *n.*, 533, *n.*; Governor Belcher's demand for a, 535–538; the claim defeated, 539; Shirley claims a fixed, V. 46, 54; vote of the Court concerning Shirley's, 96; proposal of the Privy Council for a fixed, for Bernard, 343; concerning the, of Governor Shute, 402, 403; a provision of Parliament for the governor's, 444; provision of Parliament for the, of judges, 454; action of town meeting in Boston, concerning the judges', *ib.*; a demand made of the judges by the House concerning their acceptance of, from the king, 467.  
*Salem*, Endicott's settlement at, I. 289; instructions respecting, from the Massachusetts Bay Company, 292; Higginson's company at, 293; condition of the settlement at, as described by Higginson, 294; ecclesiastical organization at, 295; expulsion of two malecontents from, 298; anti-episcopal policy at, 299; number of colonists at, in 1630, 313; sickness and want in the colony, 315; Roger Williams at, 409; deputies from, unseated, 411; mutilation of the English flag at, 426; breaking out of witchcraft in, IV. 101.  
*Salisbury*, Conn., settled, IV. 576, *n.*  
*Salle*, La, observations of, upon the religion of the Indians, I. 46.  
*Salmon Falls*, attacked by French and Indians, IV. 47.  
*Salt*, manufacture of, in New England, III. 53.  
*Salterne*, Robert, one of Gosnold's companions, I. 74.  
*Saltonstall*, Gurdon, acts as attorney in the fugitive slave case, IV. 232, *n.*; governor of Connecticut, 361, 492; makes a present to Yale College, 478; his successful administration, 489; his parentage, *ib.*; death of, mentioned, *ib.*; his influence in Winthrop's administration, 491; elected governor of Connecticut, 492; his speech to the Council declining a renomination, 493; the disrespectful act of Major Fitch toward him, 494, *n.*; concerning his salary, *ib.*; his influence on the character of Connecticut, 495.  
*Saltonstall*, Nathaniel, appointed a Councillor in the Provisional Government of New England, but declines, III. 485, IV. 490.  
*Saltonstall*, Sir Richard, assistant of Massachusetts Bay, I. 303; some account of, *ib.*; fined for absenting himself from meeting, 320; fined for whipping two persons without the presence of another assistant, 321; re-elected an assistant, 366; in England, II. 175, *n.*, IV. 490.  
*Saltonstall*, Richard, Jr., chosen an assistant, I. 481; the friend of Bellingham, 615; writes a treatise upon "The Council for Life," *ib.*; recants the same, 616, *n.*; elected to supply Mr. Bradstreet's place as commissioner, II. 156; reason of his lenity toward religious dissentients, 175, *n.*  
*Saltonstall*, Richard, IV. 490.  
*Saltonstall*, Mrs. Richard (Mariel Gurdon), IV. 490.  
*Saltonstall*, —, a commissioner for the trial of the witches, IV. 115.  
*Salzburg* Protestants, expulsion of, by the Austrian Government, IV. 547, *n.*  
*Samoset*, an Indian chief, visits the Plymouth settlers, I. 176.



- Sancroft*, —, archbishop of Canterbury, opposes the reading of the Declaration of Indulgence in the churches, III. 463; mentioned, IV. 8.
- Sandford*, Peleg, admiralty judge in Rhode Island, IV. 238.
- Sandwich*, Lord, mentioned, V. 514, n.
- San Domingo*, defeat of the English at, II. 297.
- Sandoz*, M., III. vii.
- Sandys*, Lord, mentioned, V. 260, n.
- Sandys*, Edwin, accession of, to the See of York, I. 120.
- Sandys*, Sir Edwin, befriends the Leyden congregation, I. 151; becomes governor of the Virginia Company, 152; his re-election as governor of the company, forbidden by King James, 190; account of, 191, n.
- Sanford*, John, chosen assistant for Portsmouth, R. I., II. 220.
- Sargent*, Peter, rejected as councillor by Dudley, IV. 254, 291.
- Sassacus*, chief of the Pequots, I. 456; strives to form an alliance with the Narragansetts, 460; his death, 470.
- Saunders*, Thomas, mentioned, V. 357.
- Sausaman*, a "Praying Indian," makes charges against Philip, III. 150; his history, 151; is murdered, 152.
- Savage*, Major Thomas, some account of, II. 316, n.; commands an expedition against Philip, III. 156; further account of, 156, n.; treats with the Mohawks, IV. 43, n.
- Savage*, James, mentioned, IV. 349, n.
- Savile*, George, correspondence quoted, V. 388, n.
- Saville*, —, a customs officer tarred and feathered in Gloucester, V. 434.
- Saroy*, conference at the, II. 433.
- Sawkins*, Captain, an English marauder, III. 425.
- Sawyer*, Sir Robert, attorney-general, IV. 15, 60.
- Say and Sele*, William Fiennes, Lord, in the Long Parliament, I. 305; his proposals for a removal to New England, 389; charged with diverting emigration from New England, 550; lord keeper of the Privy Seal, II. 425.
- Saybrook*, foundation of, I. 451; George Fenwick at, 539; ceded by him to Connecticut, 605; the seat of Yale College, IV. 372.
- Saybrook Platform*, provisions of the, for church government, IV. 370.
- Scandinavian voyagers* visit the American continent, I. 51.
- Scarborough* (Blue Point), annexed to Massachusetts, II. 388; mentioned, IV. 30; Indian invasions into, V. 112.
- Scarcity* of food at Plymouth, I. 196, 198, 211; in Massachusetts, 363; in Connecticut, 471.
- Schenectady*, assault and massacre at, by French and Indians, IV. 45.
- Schoolcraft*, Henry R., "Ethnological Researches," cited, I. 56, n.
- Schools*, established in New England, II. 46; institution of, in Massachusetts, 262; endowment of one, in Plymouth, III. 99.
- Scire facias*, writ of, against the charter of Massachusetts, III. 391, n.
- Scituate*, early name *Satuit*, I. 543.
- Scituate*, R. I., IV. 585.
- Scotch-Irish immigration* to America in 1719, I. viii.
- Scotch prisoners* sent by Cromwell to Boston, I. viii, II. 280, n.
- Scotland*, attempt to establish the hierarchy in, and outbreak against King Charles I., 565; spread of the insurrection, 567; invaded by the king, 568; proceedings by the Parliament and Assembly of, 569; truce with King Charles, 571; invasion of England, II. 69; Presbytery in, 73; commissioners of, treat with the king at Carisbrook Castle, 107; supports King Charles II., against the English Parliament on conditions, 275; prelacy re-established in, 439; condition of Nonconformists in, III. 29; her condition after the reign of Cromwell, *ib.*; Episcopacy re-established in, *ib.*; insurrection in, 30; the king's ecclesiastical supremacy in, 31; Test Act passed by her Parliament, 269; servility of her Parliament to James II., 450; insurrection in, under the Earl of Argyll, 450; despotic government of James II. over, 469.
- Scott*, John, some account of his history, II. 564, n.
- Scougal's* "Life of God," &c., cited, V. 218, n.
- Scrooby*, congregation of Separatists at, I. 133; failure of their first attempt to emigrate, 138; their residence at Amsterdam and subsequent removal to Leyden, 139; their occupations at Leyden, their numbers and good character, 141; America, considered as a place of retreat, 147; mission to England, 150; the seven articles of their church, *ib.*; negotiations in London with reference to a settlement in Virginia, 151; contract with the London merchants, 153; preparations for departure, 155; embarkation from Delft-haven, 156.
- Seal*, Great, of New England, III. 516; to be used in New York, 561.
- Scamen*, an attempt to impress, by a British man-of-war, V. 399.
- Seasons* in New England, I. 14.
- Secker*, Archbishop, takes part in a religious controversy, V. 254.
- Secretaries* of State, English, IV. 460, n.

- Sedgwick*, Robert, becomes a major-general, I. 585; commands an expedition for Cromwell against New Netherland and Acadie, II. 284; made governor of Jamaica, 297.
- Seeley*, Lieut. Robert, engaged in the expedition against the Narragansetts, II. 226.
- Selden*, —, English author, IV. 384, n.
- Selectmen*, chosen for the government of the towns, I. 381, II. 13, 14.
- "*Self-denying Ordinance*," so called, passed by the Commons, II. 97.
- Seller*, John, *fac-simile* of his map of New England, III. 489.
- Senecas*, Indians, the attack of M. de Nonville upon them, IV. 40; result of the attack of De Barré upon them, *ib.*
- "*Sentiments of a British American*," by Oxenbridge Thacher, on the adoption of the Sugar Act, V. 280-283.
- Separatists*, rise of, I. 122; punishments inflicted upon, 123; emigrate to Holland, 126; congregation of, at Scrooby, 133; distinguished from Nonconformists, 241.
- Sequasson*, sachem of Sicaioq, attempts to procure the assassination of Connecticut magistrates, II. 232.
- Servitude*, penal, I. 553; law of, in Massachusetts, II. 29.
- Sessims*, Darius, lieutenant-governor of Rhode Island, V. 507.
- Sewall*, Rev. Joseph, Whitefield preaches in his meeting-house, V. 9; chosen moderator of a meeting of ministers, 20; a writer of verses, 217, n.; the presidency of Harvard College offered to, 404, n.
- Sewall*, Samuel, purchases a patent to his lands from Governor Andros, III. 553; his incompetency as a judge in the witchcraft cause, IV. 121; his tract "Selling of Joseph" published, 189, n.; mentioned, 298, n., 299, n.; extracts from his journal concerning Dudley, 306, n., 308, n.; quoted in vindication of Mr. Higginson, 307; journal quoted on bills of credit, 217, n., 334, n., 339, n., 340, n., 387, n., 530, n.; interested in establishment of Yale College, 372; address to Lieutenant-Governor Dummer in the Council Chamber, 431, n.; letter of, on the apostasy of Timothy Cutler, 478, n.
- Sewall*, Stephen, chief-justice, death of, V. 229; concerning the legality of Writs of Assistance, 235.
- Shadwell*, —, English author, IV. 384, n.
- Shaftesbury*, Ashley Cooper, Earl of, one of the Cabal ministry, III. 11; the Achitophel of Dryden, *ib.*; lord chancellor, 14; issues Writs of Election under the Great Seal, 17; justifies the war upon Holland, *ib.*; disaffection of, from the king, 18; Great Seal taken from, 20; his Parliamentary tactics, 23; imprisoned in the Tower, 25; suspects the loyalty of New England, 34; his connection with the Popish Plot, 248; enters an information against the Duke of York, 255; close of his public career, 259; withdraws to Holland, 262.
- Shakers*, the, at Salem, IV. 97, n.
- Shakespeare*, William, IV. 384, n.
- Shapleigh*, Nicholas, elected councillor in Maine, II. 384.
- Sharpe*, Governor, of Maryland, favorable to the stamp duties in the colonies, V. 287.
- Sharpe*, Mr., concerning William Shirley, for governor of Massachusetts, V. 49, n.
- Sharpe*, James, made archbishop and primate of Scotland, II. 439, III. 20; his persecution of Nonconformists, III. 30; murdered, 268.
- Shattuck*, Samuel, bearer of a message from the king respecting the Quakers, II. 519.
- Shawomet*, lands at, sold by Miantonomo to Gorton, II. 122.
- Sheffield*, Edmund, Lord, conveys Cape Ann to Winslow and Cushman, I. 222.
- Shelburne*, Lord, mentioned, V. 260, n., 553; concerning the right of taxation, 353; quoted, 367, n.; removed from office of secretary, 396.
- Shepard*, Rev. Thomas, comes to New England, and settles at Newtown, I. 453.
- Sherburne*, Henry, proposed by Belcher as lieutenant-governor of New Hampshire, IV. 568.
- Sherlock*, —, English author, IV. 384, n.
- Sherlock*, —, bishop of London, V. 95.
- Sherlock*, James, appointed sheriff by Andros, III. 553; arrives in England with Andros, IV. 67.
- Sherman*, Mrs., her dispute with Captain Keayne, I. 620.
- Sherman*, Roger, mentioned, IV. 496.
- Sherwood*, Joseph, agent for Rhode Island in England, V. 204.
- Sherwood*, Samuel, extract from his sermon on the closing of the port of Boston, V. 532, n.
- Ship-building* in New England, II. 55; as described by Randolph, III. 300.
- Ship-money*, exaction of, I. 561.
- Shipping* and mariners, regulations for, in Massachusetts, III. 50.
- Shipwrights*, the, of England, desire a duty on ships built in New England and doing foreign trade, IV. 452, n.
- Shirley*, Gov. William, his views on the multiplication of towns, V. 43; appointed advocate-general of New England, 45; arrival of, in Boston, *ib.*; desires other offices, 46; applies for a

salary, *ib.*; his relations to Belcher in regard to the collectorship, *ib.*; unpleasant relations with Governor Belcher, 46, 48; proposed for governor, 47, 49, *n.*; his activity in enlisting troops, 48, 49, *n.*; receives commission as governor, 49; his ability and fitness for the office, 50; his inaugural speech, *ib.*; supplies the treasury by the issue of paper-money, 53; his claim for a fixed salary, 54; action of the Legislature concerning his salary, 55, 56, 58; satisfies himself as to the friendly relations of certain Eastern Indians, 57; alters the enacting style of laws, 57, *n.*; prepares for defence, upon war being declared between France and England, 59; proposal to General Court to seize the fort at Louisburg, 61; the scheme declared impossible, 62; his persistence in the scheme, 63; finally adopted by the Court, 64; makes preparations for the attack, 65; commissions William Pepperell commander of the attack, *ib.*; his instructions to General Pepperell, 68; visits the garrison at Louisburg, 81; applies to be governor of Nova Scotia, 82, *n.*; proposes an attack on Quebec, 83; proposes to attack Crown Point, 85; the chief motive for the attack, 85, *n.*; allows an impressment of seamen, 88; threatened by a mob, and retreats to the Castle, 89; returns to Boston and promises redress, 91; his proposal for taxing the colonies, 94; vote of the General Court to reduce his salary, 96; visits England, *ib.*; letter of, giving an account of the emission of bills of credit in Massachusetts, 102, *n.*; marriage of, 117; return to Boston, *ib.*; renews the treaty of peace with the Eastern Indians, 118; urges the defence of Nova Scotia, 120; his expectations in case of a union of the colonies, 124; extract from a letter by, concerning the union of the colonies, 125, *n.*; superintends the building of forts on the Kennebec, 128; meets General Braddock and colonial governors in council at Alexandria, 130; commands an expedition against Fort Niagara, 142; appointed commander-in-chief of the forces of North America, 143; holds a conference of governors, 144; appointed governor of Jamaica, 145; his disaffection with Sir William Johnson, 145, *n.*; returns to England, 146; made governor of the Bahama Islands, *ib.*; death of, in Roxbury, Mass., *ib.*; his "Electra," and other poems supposed to have been written by him, 147, *n.*; builds Fort Halifax and others on the Kennebec, 174; his campaign against Crown

Point mentioned, 195; quoted concerning the government of Rhode Island, 200; concerning the legality of Writs of Assistance, 235.

*Shirley*, Mrs. William, V. 40, 48.

*Shirley*, William, Jr., V. 82, *n.*

*Shirley*, Fort, built by Governor Shirley, V. 175.

*Short*, Captain, his quarrel with Governor Phips, IV. 147; the subject of a quarrel between Phips and Usher, 210.

*Shrewsbury*, Earl of, secretary of state, IV. 14, 181; member of Privy Council, 20, *n.*; concerned in a new government for Massachusetts, 61; reconciles the king to Lord Bellomont, 169.

*Shrimpton*, Samuel, one of Governor Andros's Council, served with a writ of intrusion, III. 553.

*Shute*, John (Lord Barrington), IV. 386.

*Shute*, Samuel, appointment of, for governor of Massachusetts, IV. 386; his arrival in Massachusetts, 387; prospects of his administration, 388; extract from speech of Cotton Mather to, 389, *n.*; some opposition to his government, 391; his instructions from the ministry, 392; his speech to the Legislature, *ib.*; his contention with the General Court concerning the naval stores, &c., 402, 403; the Legislature refuses to establish him a salary, *ib.*, 403; his opposition to Elisha Cooke for speaker, 408; rejects Byfield and Clark as councillors, 409; his friendliness to Harvard College, 416; action concerning the claim of tutors to become members of the corporation of Harvard College, 417; renews Dudley's treaty with the Eastern Indians, 419; dissension with the Court concerning a settlement with Eastern Indians, 421; quoted concerning the Indian hostilities, 423, 423, *n.*; disagreement with the General Court concerning Colonel Walton, 426, 427; his departure for England, 428; letter of Dummer on his treatment as governor of Massachusetts, 428, *n.*; his complaint to the king against the House of Representatives of Massachusetts, 446; his complaint sustained by the Privy Council, 451, 451, *n.*; pensioned in England, 456, *n.*; calls a meeting of the House and Council in New Hampshire, 459; dispute with Lieutenant-Governor Vaughan, *ib.*; concerning his pay as governor while in England, 465, *n.*; his friendly relations with the Mohegans, 480; his income from the administration of Massachusetts, 498, *n.*

*Sickness* at Plymouth, I. 174, at Salem,

- 315; at Charlestown, 321; at Boston, 324; at Plymouth, 1633, 337.
- Sidney*, Algernon, a Whig leader, and one of the Council of Six, III. 261; arrested, 262; his trial, 264; his conviction and execution, 265.
- Simsbury*, Conn., copper found at, IV. 474.
- Singing-schools*, first established in New England, V. 220, *n*.
- Six Articles*, Statute of the, I. 110, 111.
- Six Nations*, the, are willing for their warriors to enter the English service, IV. 434; include the Five Nations and the Tuscaroras, V. 122, *n*.
- Skelton*, Rev. Samuel, settles at Salem, I. 293; made pastor of the church there, 295; imitates the Plymouth Church scheme, II. 36.
- Skene*, Philip, governor of Ticonderoga, plan of, concerning the land grants in New Hampshire V. 560, *n*.
- Skippon*, Philip, major-general of the London train-bands, I. 576.
- Slavery*, criminals sold into, I. 553; restricted in Massachusetts, II. 30; prohibited for a longer term than ten years in Providence Plantations, 356, *n*., III. 44, *n*., 298, 303, 420, 427; Indian captives sold as slaves, III. 221; in Massachusetts, as described by Randolph, 298; statement of Bradstreet in reference to, 334, *n*.
- Slavery in Massachusetts*, IV. 394, *n*.
- Slave-trade*, testimony against the, in Massachusetts, II. 254, *n*.
- Sloughter*, Colonel, mentioned, IV. 149.
- Small-pox*, prevalence of, in Boston, IV. 414; the question of inoculation for, 414, *n*.; spread of the, in Boston, V. 116.
- Smibert*, —, portrait painter, V. 220.
- Smith*, Adam, quoted, IV. 17; proposed a general taxation, V. 270, *n*.
- Smith*, Rev. Henry, emigrates with the Watertown Company to Connecticut, I. 454.
- Smith*, Capt. John, his favorable opinion of Massachusetts and of its native inhabitants, I. 21; his "Generall Historie of Virginia," cited, 44, 94, 95, 98, 154, 285; sails from London for New England, 85; his early history, 86; engages against the Turks, *ib.*; is captured, 87; his adventures, *ib.*; his "True Travels, Adventures, &c.," 89, *n*.; his connection with the London Company, 91; his voyage to Virginia, 92; his voyage to New England, *ib.*; makes a map of New England, 93; presents a copy of his map and journal to Prince Charles, 94; his withdrawal from the London Company, *ib.*; is engaged by Gorges in the service of the Plymouth Company, *ib.*; vainly endeavors to unite the two companies, *ib.*; representation of his map of New England, *ib.*; sails again for New England, 95; his continued exertions in England, *ib.*
- Smith*, John, connected with the Presbyterian Cabal, II. 169; restrained from going to England, and fined, 175; made president of the Providence Colony, 222, 356.
- Smith*, Joseph, of Hampton, quoted on Dudley for governor, IV. 345, *n*.
- Smith*, Josiah, South Carolina, V. 8.
- Smith*, Rev. Ralph, minister at Plymouth, I. 331; ill success, 545; resigns his ministry, *ib.*; harbors Samuel Gorton, II. 118.
- Smith*, Richard, Roger Williams's account of, II. 218; a sufferer in the Indian war, III. 437.
- Smith*, Sir Thomas, first governor of the Virginia Company, I. 152.
- Smith*, William, his "History of New York," cited, I. 235, *n*.
- Smithfield*, R. I., IV. 585.
- Snyder*, —, a German boy killed in a street quarrel, V. 416.
- Society for Propagating the Gospel in New England* incorporated, II. 198; correspondence of the, with the Federal commissioners, 332; opposition to their work, 334; a new charter granted to the, 445.
- "*Society for the Propagation of the Gospel in Foreign Parts*," V. 253.
- "*Society for Promoting Christian Knowledge*," &c., V. 254.
- Soil of New England*, I. 14.
- Solemn League and Covenant*, the, I. 879; provisions of, II. 79; adopted by the Westminster Assembly and by Parliament, 87; how understood by the Presbyterians, 88.
- Somers*, John, one of the council for the Seven Bishops, III. 466; adviser of William of Orange, 592.
- Somers*, Lord Chancellor, IV. 181; proposed impeachment of, 183.
- Somers*, Conn., IV. 474, *n*., 570, *n*.
- Somers*, Mass., desires to be annexed to Connecticut, V. 196.
- "*Sons of Liberty*," name adopted by a club in Boston, V. 388, *n*.
- South*, —, English author, IV. 384, *n*.
- Southampton*, Earl of. See *Wriothesley*.
- Southampton*, Long Island, settlement at, I. 604; annexed to Connecticut, 605, II. 112.
- South Carolina* issues bills of credit, IV. 404, *n*.
- Southern*, —, English author, IV. 384, *n*.
- Southertown*, the early name of Stonington, II. 383.
- Southold*, settlement at, I. 601; the Dutch commissioners refused permission to abide there, III. 124; is gar-

- risoned by Connecticut troops, and resists an attack from the Dutch, 125.  
*Southwick*, Daniel and Provided, Quakers, ordered to be sold, II. 474.  
*Southworth*, Alice, II. 212.  
*Spain*, peace with, 1604, I. 75; Cromwell's war with, II. 296.  
*Sparhawk*, M., rejected as councillor, V. 371.  
*Sparks's* "American Biography," V. 389, *n.*  
*Sparks's* "Collection of Bernard Letters," cited, V. 405, *n.*, 498, *n.*  
*Sparks's* "Works of Benjamin Franklin," cited, V. 477.  
*Speech*, form of, in New England, II. 67.  
*"Speedwell,"* the, embarkation of the Pilgrims in, at Delfthaven, I. 156; arrives at Southampton, 159; incapacity and failure of, *ib.*  
*Spencer*, Joseph, leads militia from Connecticut to Boston, V. 564.  
*Springfield*, settlement at, I. 454; annexed to Massachusetts, 604; why so called, *ib.*; position of Massachusetts in respect to, II. 4; refuses to pay export duty to Connecticut, 240; is attacked by the Indians, III. 171.  
*Spurwink*, Indian ravages at, IV. 260.  
*Squanto*, an Indian, kidnapped by Hunt, I. 178; captured by Corbitant, and rescued by the English, 185.  
*Squaw*, Mount, Maine, I. 6.  
*Squaw Sachem*, of the Massachusetts, I. 186.  
*St. Albans*, Lord, impeachment of, I. 257; his "Sermo de Unitate Ecclesiæ," 414. See *Bacon*, Sir Francis.  
*St. Andrew's* society formed in Boston, 1657, II. 280, *n.*  
*St. Botolph's* church, Boston, England, I. 368.  
*St. Castine*, Baron de, his mission among the Kennebec Indians, IV. 423.  
*St. Christopher*, island of, IV. 17, *n.*  
*St. Domingo*, defeat of the English at, II. 207.  
*St. Francis* River, source and direction of, I. 7, 9.  
*St. François*, an Indian settlement at, IV. 259.  
*St. John*, Henry (Lord Bolingbroke), Tory statesman in England, IV. 278; succeeds Henry Boyle as secretary of state, 279, 279, *n.*, 336. See *Bolingbroke*.  
*St. John*, Oliver, an Independent, II. 86; at Uxbridge, 94; sent to negotiate with Holland, 281.  
*St. John* River, source and direction of, I. 7.  
*St. Lawrence* River, I. 1; influence of the tide in the, 2; visited by Aubert, 65.  
*Stafford*, William Howard, Earl of, convicted and executed for treason, III. 257.  
*Stafford*, Conn., IV. 474, *n.*  
*Staffordshire*, ministers in, I. 124.  
*Stagg*, Capt. Thomas, his capture of a Bristol ship in Boston harbor, and difficulty with the Massachusetts magistrates, II. 161.  
*Stamford*, founded, I. 601.  
*Stamp* Act, the, mentioned, IV. 363; proposed by Grenville, V. 286, 287, *n.*; an extension of, proposed by William Keith and others, 287; the passage of, in Parliament, 288; the provisions of the, *ib.*; resistance to, in the colonies, 308, 327; news of the passing of, received in Boston, 316; measures devised for evading the, 316, *n.*; action of the mob in Boston concerning the, 319-323; resistance to, in New Hampshire, 324; resistance to, in Connecticut, 325; resistance to, in Rhode Island, *ib.*; Governor Bernard's determination to enforce the, 327, 327, *n.*; a congress of the colonies held at New York to consult on the, 328; answer of the General Court to Bernard concerning the, 333; the courts have a hearing, and decide not to use the stamped paper, 340, 341; the repeal of, urged by Pitt and merchants of London, 346, 347; repeal of, advised by Benjamin Franklin in a speech to the House of Commons, 348, 351; resolves of the House of Commons advising the repeal of, 352; debated in the House of Lords, 353; the repeal of, 354; reception of the news of the repeal in New England, 354; not enforced in New Hampshire, 491; action in Connecticut concerning, 516, 517.  
*Standish*, Miles, account of, I. 161; commands an exploring expedition, 167; made captain of a military company, 176; commands an expedition to Namsket, 185; is threatened with assassination by the Indians, 199; suppresses an Indian plot at Wessagusset, 202; goes to England, 224; engaged in the expedition against the Narragansetts, II. 226; his death, 407; his character, *ib.*  
*Stanhope*, Lord, IV. 460, *n.*  
*Stanhope*, General, loses the battle at Almanza, IV. 276; serves in the administration of George the First, 381.  
*Stark*, John, lieutenant in an expedition against Crown Point, V. 139; (afterward brigadier-general) commands a company of New Hampshire rangers, 190; arrives in Boston with militia from New Hampshire, on the breaking out of the rebellion, 564.  
*Statute* of the Six Articles, I. 110.  
*Steele*, —, English author, IV. 384, *n.*



- Steele* and *Stanley v. Griswold*, case of, cited, IV. 232, n.
- Steele*, William, president of the Society for Propagating the Gospel in New England, II. 332.
- Stevens*, Captain Phineas, maintains the post of Charlestown, New Hampshire, against Indians, V. 184.
- Stevenson*, Marmaduke, a Quaker, his prosecution and death, II. 474.
- Stileman*, Elias, a magistrate and secretary of New Hampshire, III. 404; superseded by Richard Chamberlain, 406; appointed deputy-governor, 407.
- Stiles*, Rev. Ezra, "History of Three of the Judges," cited, I. 335.
- Stillingfleet*, —, English author, IV. 384, n.
- Stith's* "History of Virginia," cited, I. 192.
- Stockbridge*, town of, V. 129.
- Stoddard*, Simeon, admitted to the Council, IV. 291.
- Stoddard*, Rev. Solomon, mentioned, IV. 255, n.; revivals in religion during his ministry, V. 4.
- Stone*, John, murdered by the Pequots, I. 456.
- Stone*, Rev. Samuel, emigrates to New England and settles at Newtown, I. 367; account of, 445; removes to Connecticut, 453; takes a part in the expedition against the Pequots, 463; value of his library, II. 45; suspected of heterodoxy, 487; controversy in his church at Hartford, 489; his death, 490.
- Stonington*, settled by Cheesbro, and incorporated by Massachusetts, II. 383; possession of, disputed with Connecticut by Rhode Island, III. 110; the industries of, IV. 474.
- Stoughton*, Israel, his difficulty with the magistrates, I. 427; disqualified from bearing office, 428; engaged with Mason in the expedition against the Pequots, 469; elected an assistant, 481; commands a regiment for the Parliament, 585, II. 253.
- Stoughton*, William, agent from Massachusetts to England, III. 293; favors a compliance with the Navigation Laws, 311; chosen to go to England a second time, but declines, 342; a leader of the moderate party in Massachusetts, 362; refuses to take the oath of office as assistant, 389, 484; loses the public favor, 481; deputy-president of the provisional government, 485; committed to Andros, 519; "Judge of the Superior Court," 520; one of the judges at the trial of the Ipswich men, 526; made lieutenant-governor, IV. 86; one of the judges at the trial of the witches, 105; disapproves of the pardons, 112, 114; made chief-justice, 112; mentioned, 121; councillor under the new government, 142; succeeds to the administration on the departure of Phips, 153; makes a provisional arrangement for Harvard College, 193; the government again devolves upon him after the death of Lord Bellomont, 197; death of, at Dorchester, *ib.*; his character depicted, 198; partner in a trading company, 395, n.; mentioned, 431, n.; his administration in Massachusetts, 595.
- Stow*, —, English author, 384, n.
- Stowe*, William, his "Annals," cited, I. 62, n.
- Strachey*, William, his Journal of the Popham Colonists, cited, I. 63, n., 84.
- Strafford*, Lord. See *Wentworth*.
- Strafford*, Conn., settlement at, I. 538.
- Stratham*, town of, set off from Exeter, IV. 461.
- Stratton* mountain, situation, &c. of, I. 5.
- Straumfjördr*, name given by the Northmen to Buzzard's Bay, I. 55.
- Straumoeý*, name given by the Northmen to Martha's Vineyard, I. 55.
- Strauberry* Bank (Portsmouth), comes under the jurisdiction of Massachusetts, I. 592.
- "*Stray-Sow*" case, in Boston, I. 618.
- Strype*, Annals of the Reformation cited, I. 118, n.; Life of Whitgift, 122, 126, 130.
- Stuyvesant*, Peter, governor of New Netherland, II. 202; his difficulties with the New England Confederacy, 203; visits Hartford, 309; surrenders New Amsterdam to the English, 591.
- Subercase*, —, officer at Port Royal, capitulates to Col. Nicholson, IV. 277.
- Subsidies* granted, I. 247, 257; their amount, 247, n.
- Subsidy*, treaty for a French, III. 257.
- Succession*, discussion about the, III. 477.
- Succrotash*, a preparation of maize, I. 28.
- Sudbury*, attacked by the Indians, III. 187.
- Suffield*, Mass., claimed by Connecticut, IV. 233; desires to be annexed to Connecticut, V. 196.
- Suffolk*, England, resistance in, to Queen Mary, I. 115.
- Suffolk*, one of the original counties of Massachusetts, towns in, in 1642, I. 617.
- Sugar Act*, the suit of James Otis to recover certain moneys under the, V. 232; a revenue to be enforced from the colonies, under the, 260; adoption of, by Parliament, 272; news of the, received in Boston, *ib.*; the sentiments of Oxenbridge Thacher against the Sugar Act, 280; remonstrance of Rhode Island against the, 295, 298; the people of Connecticut protest

- against, 305; the object of the British government in, 307.
- Sugar-Loaf Hill*, engagement at, with the Indians, III. 163.
- Sullivan*, James, observations of, on the religion of the Indians, I. 49, n.
- Sumner*, George, investigation of, concerning Robinson's church at Leyden, I. 140, n., 145, n., 150, n., 160, n.
- Sumner*, William H., his *History of East Boston*, cited, II. 581, III. 89.
- Sumptuary Laws* in Massachusetts, I. 552.
- Sunderland*, Earl of, IV. 14, 275, n., 279, n., 460, n.
- Supremacy*, Act of, I. 117; High Commission Court, to take cognizance of offences against, 121; oath of, not administered in Massachusetts, 499.
- Susquehanna Colonization Co.*, the, V. 302, n.
- "*Swan*," The, arrives at Plymouth, I. 199.
- Swanzey*, assaulted by the Indians, III. 155.
- Swanzey*, N. H., Indian invasions at, V. 184.
- Swayne*, Jeremiah, given command of an Indian expedition, IV. 35.
- Swedes*, settle in Delaware, I. 624; their transactions with New England, II. 143.
- Swift*, —, English author, IV. 384, n.; "Discourse of Contests," reprinted in Boston, V. 218, n.
- Symmes*, Rev. Zechariah, opposes Mrs. Ann Hutchinson, I. 473.
- Symonds*, Samuel, chosen an assistant in Massachusetts, I. 613; succeeds Leverett as deputy-governor, III. 42; his death, 329.
- Synod*, the, convened at Saybrook, Connecticut, IV. 369; proposal to hold a, in Massachusetts, 454; remonstrance of the Episcopal minister to, *ib.*; Dr. Gibson, bishop of London, disapproves of, *ib.*; opinion of Attorney-General Yorke on the legality of holding, 455; the clergy abolish the idea of holding a, *ib.*
- Synod of Dort*, I. 144; at New town, 1637, 484; at Cambridge, 1646, II. 170; its result, 179; of Massachusetts and Connecticut churches at Boston, 488; of Massachusetts churches, 490; Reforming Synod, III. 330.
- Synods*, Presbyterian, in England, II. 76; Congregational, how affecting New England Independency, 182; their functions, *ib.*
- Szkolney*, an early navigator in the western seas, I. 60.
- T.**
- Tables*, The, name of an organization for government in Scotland, in 1638, I. 567.
- Tailer*, Lieutenant-Governor, mentioned, IV. 339, n., 431, n., V. 110; presides as governor before the arrival of Burgess, 341; approves an allowance to the heirs of Elisha Cooke, 385; re-appointed lieutenant-governor, meets with the General Court, 532; death of, 543, n.
- Talbot*, Richard, Earl of Tyrconnel, commander in Ireland, III. 470; becomes lord deputy of Ireland, 471; law officer of the crown, IV. 589; quoted, V. 239.
- Talcot*, Major John, a commander of Connecticut troops in the Indian war, exploits of, III. 197, 203.
- Talcott*, Gov. Joseph, Hartford, death of, IV. 576, 583, V. 28; death of his wife, 583, n.
- Tapp*, Edmund, elected a magistrate of New Haven Colony, I. 602.
- Tarratine Indians*, a part of the Abenakis, I. 23; make the first disturbance in Massachusetts, 850.
- Tate* and Brady, their version of the Psalms reprinted in Boston, V. 218, n.
- Taunton*, attack on, by the Indians, III. 157; opposes Andros's arbitrary measures, 534.
- Taxation*, a project of, for the colonies, V. 257, 259; treatise of James Otis on taxation in the colonies, 271; act of Parliament adopting the Sugar Act, *ib.*; the argument of the colonies to be exempt from, without representation, 284, 285; an act of Parliament imposing more taxation on the colonies, 373; vote passed in Boston protesting against the Townshend Act, 374; a circular letter sent by the Court of Massachusetts to sister colonies concerning the Townshend Act of, 378.
- Taxation of towns* in Massachusetts by the assistants, I. 353.
- Taxes*, arbitrary imposition of, during the administration of Andros, III. 520, 524; resistance to, in Ipswich, 525; in Taunton, 534; resistance of the people of Massachusetts to collection of, IV. 28; act of the Legislature on the imposing of, 139; a scheme for taxing the colonies under consideration, V. 94; Sir William Keith's proposal for, *ib.*; Shirley's proposal for, *ib.*; the imposition of, in the colonies recommended, 244, n.
- Tay*, Jeremiah, command of ship "Walter and Thomas," IV. 211, n.
- Taylor*, Jeremy, mentioned, IV. 384, n.; his "Contemplations," cited, V. 218, n.
- Tea*, resolve in the General Court to prevent the use of, V. 480; Lord North's measure to induce the importation of, into America, 468; the cargo of, how received in Charleston, S. C., 473; the action of citizens of Boston to prevent



- the landing of, 474; the tea-ships sent back to England from New York and Philadelphia, *ib.*; the cargo of, thrown overboard at Boston, 475; Lord North's plan for the importation of, denounced in Portsmouth, N. H., 504; the news of the destruction of, received in England, 522.
- Temperature of New England*, variable-ness of, I. 10.
- Temple*, —, surveyor-general, his disaffection with Governor Bernard, V. 227, *n.*
- Temple*, Sir John, quoted concerning the revenue, V. 388, *n.*, 401, *n.*, 424.
- Temple*, John, concerning the Hutchinson letters, V. 485, *n.*
- Temple*, Sir Thomas, made one of the proprietors of Nova Scotia, by Cromwell, II. 286; explains the device upon the Massachusetts money to the king, 525; his interview with the king and Lord Clarendon, upon New England affairs, 575, *n.*; purchases Noddle's Island, III. 89; account of, 89, *n.*; his death and reminiscences, *ib.*
- Temple*, Sir William, his interview with the Pensionary De Witt, III. 5; procures the "Triple Alliance," 6; negotiates a peace with Holland, 22; recommends to the king to adopt a new method of administration, 252, IV. 384, *n.*
- Tenison*, —, English churchman, IV. 9, 380.
- Tennent*, Gilbert, revivalist, preaches in Boston, V. 13; at Portsmouth, 14; preaching in Connecticut, 26.
- Test Act*, The, III. 19; passed by the Scottish Parliament, 269; the dispensing power in respect to the, 453; repeal of, proposed, IV. 9.
- Thacher*, Mrs., complained of for witchcraft, IV. 110.
- Thacher*, Oxenbridge, counsel in a hearing on Writs of Assistance, V. 237, 238, 241; obtains a revocation of Hutchinson being sent as agent to England, 265; representative in General Court, 273; his "Sentiments of a British American," an argument against the Sugar Act, 280; death of, 328; a graduate of Harvard College, 405, *n.*; as compared with Hutchinson, 489.
- Thacher*, Rev. Peter, his journal quoted, III. 330, *n.*; mentioned, V. 34.
- Thanksgiving*, first at Plymouth, I. 187; in the Massachusetts settlements, 310, 325; for the successes of the king of Sweden, 356; for a plentiful harvest, 369; in Plymouth for the successes of the Parliamentary forces, II. 367; Hutchinson's proclamation for a, received with contempt, V. 448, *n.*
- Thayer*, Richard, his complaint against the people of Braintree, III. 378, *n.*
- "*The Grievances of the American Colonies candidly examined*," by Governor Hopkins, V. 299, 300.
- Theatrical Entertainments*, a bill in General Court to prevent, V. 372, *n.*
- Thing*, Peter, name subscribed to a paper, IV. 559, *n.*
- Third (Old/South) Church* established in Boston, III. 83.
- Thirty-Nine Articles*, ratified by Parliament, I. 120; subscription to, required, 121.
- Thomas*, John, appointed to command the militia of Massachusetts, V. 546.
- Thomas*, Nathaniel, left off the Board of Councillors, IV. 254.
- Thompson*, David, settles at the mouth of the Piscataqua, I. 205; removes to an island in Boston harbor, 522.
- Thorfinn*, voyage of, to the coast of America, I. 54.
- Thorp*, Alexander, Boston, allowed to run stage-coaches, IV. 585.
- Thorwald*, his voyage to the coast of America, I. 54.
- Thurlow*, —, English lawyer, debate in Parliament, V. 553.
- Thury*, Father, a missionary to the Indians, IV. 34.
- Ticonderoga*, a point of attack for the English, V. 130; defeat of Abercrombie by Montcalm at, 160, 161.
- Tilley*, John, at Cape Ann, I. 285; murdered by the Indians, 461.
- Tillotson*, Archbishop, IV. 9, 10, *n.*; his friendliness to Mather, 71, 380, 384, *n.*
- Timber*, the value of, grown in New England, IV. 394, 396; dispute in the General Court respecting the royal claim to, 411, 411, *n.*
- Tindal's Translation of the Bible*, I. 110.
- Tispaquin*, beheaded at Plymouth, III. 221.
- Titles in New England*, II. 67.
- Tituba*, accused of witchcraft, IV. 103.
- Tiverton*, Rhode Island, IV. 586.
- Tocqueville*, Alexis de, his "Democracy in America," quoted, I. x.
- Toleration*, a scheme for, III. 7.
- Toleration Act*, The, passed, IV. 8.
- Tolland*, Conn., IV. 474, *n.*
- Tomahawk*, description of the, I. 29.
- Tomlinson*, John, agent in England for New Hampshire, IV. 557, 574, 575, *n.*, V. 179.
- Tomson*, John, representative of General Court, IV. 147, *n.*
- Tonnage and Poundage*, a subsidy of, imposed, I. 251; remonstrance of the House of Commons against, 273.
- Toovey*, Sampson, makes affidavit to smuggling allowed at Salem, V. 401, *n.*
- Tories*, III. 256; defeat of the, 452; gain control in a new Parliament, IV. 16.
- Tornadoes* in New England, I. 12.
- Torrington*, Conn., settled, IV. 576, *n.*

- Tory* ascendancy during the reign of Queen Anne, IV. 379.
- Tower* at Newport, opinions respecting the date of its erection, I. 57, *n.*, 64, *n.*
- Town Officers*, II. 14.
- Towns*, taxed in Massachusetts, I. 353; in New England, 380; their functions, 434; remarks upon their character and origin, II. 11; difference between cities and, 12; number of, in the confederation, 13; in 1665, III. 36; municipal regulations in, 55.
- Townsend*, Penn, Boston, left out of the Council, IV. 322, *n.*
- Townshend*, Charles, member of Board of Trade, V. 113, *n.*; proposes measures for raising a revenue from the colonies, 260; extract from his speech in Parliament on the Stamp Act, 287; obtains an act imposing more taxation on the colonies, 373; death of, 375; his Revenue Act considered, 384.
- Townshend*, General, at the battle of Quebec, V. 169; returns to England; 170.
- Townshend*, Lord, serves in the administration of George the First, IV. 381, 460, *n.*
- Trade* of the Aborigines, I. 81; of the Plymouth colonists farmed to eight settlers, 230; prohibitions and regulations of, in Massachusetts, III. 52.
- Trading-house* on the Penobscot attacked by the French, I. 337.
- Travel*, facilities for, in New England, I. 58.
- Treason* a capital crime in Plymouth, II. 20; in Massachusetts, 29.
- Treasury* of Massachusetts, claim of the House of Representatives to audit the accounts of, IV. 541; the governor refuses the claim, 542; emptiness of the, *ib.*; Belcher's letter concerning the, 544, *n.*; defeat of the Representatives' claim, 545.
- Treat*, Major Robert, commander-in-chief of Connecticut troops in Philip's War, III. 162; relieves a party of English at Northfield, 165; joins Captain Moseley after the battle at Bloody Brook, 170; second in command of the Colonial forces, 175; governor of Connecticut, 442; corresponds with Andros on a surrender of the charter government, 537; his letter to Governor Dongan on the subject of uniting Connecticut and New York, 540; Dongan's opinion of, *ib.*; recalled to office after the deposition of Andros, 537; governor of Connecticut, mentioned, IV. 228, 492.
- Treaty* of Ryswick, news received in New England of, IV. 158.
- Treby*, Sir George, attorney-general, IV. 15; frames a new charter for Massachusetts, 72.
- Trenchard*, Sir John, secretary of state, IV. 138, *n.*
- Trevor*, Sir John, secretary of state, III. 11.
- Trevor*, Sir Thomas, proposal concerning the postal arrangements, IV. 329, *n.*
- Trevor*, Lord, mentioned, V. 397, *n.*
- "*Trial*," The, first ship built in Boston, II. 57.
- "*Trials* of the British Soldiers," &c., V. 421, 421, *n.*
- Triers*, institution of, by Cromwell, II. 292; Baxter's account of, 293.
- Triple Alliance*, The, III. 6.
- Troops*, Dudley applies to Rhode Island and Connecticut for reinforcements of, IV. 268; bill of Lord Barrington to provide for the king's troops in America, V. 527; regiments of British, sent to Boston, 533.
- Troubridge*, Edmund, his application for pay as attorney-general, V. 256, *n.*; dropped from the Board of Councillors 356; judge, endorses the resolve of the Court concerning his salary, 477.
- Trumbull*, Benjamin, History of Connecticut, cited, II. 11, *n.*; history quoted, IV. 373, *n.*, 483, *n.*, V. 28.
- Trumbull*, J. Hammond, II. vii, III. vi; mentioned, IV. 365, *n.*
- Trumbull*, Jonathan, mentioned, IV. 496; resists the Stamp Act, V. 325; made governor of Connecticut, 518.
- Tryon*, Governor, his action for reducing the New Hampshire grants, V. 499, 500, *n.*
- Tudor*, dynasty of, how it differed from the Continental dynasties, I. 240.
- Tuflon*, John, grandson of John Mason, I. 523.
- Tuflon*, Robert, heir of John Mason, takes the name of Mason, II. 619; mentioned, IV. 206. See *Mason*.
- Turell*, Rev. —, his case of witchcraft in Littleton, IV. 117, *n.*; Medford, mentioned, V. 89, *n.*
- Turner*, Capt. William, a Baptist, banished from Massachusetts, III. 90; gains a victory over the Indians, 194; killed by the Indians, 195.
- Turner*, Sir James, commands the king's troops in Scotland, III. 30; captured by the insurgents, *ib.*
- Tyler*, Royal, author of "The Algerine Captive," V. 219; representative in General Court, 273.
- Tyng*, Edward, commands the naval force against Louisburg, V. 67.
- Tyrconnel*, Richard, Earl of. See *Talbot*.

## U.

- Uchee* tribe of Indians, I. 23.
- Udal*, John, his death in prison, I. 124.

*Uncas*, a Mohegan chief, engages with the English against the Pequots, I. 463, II. 113; attempts of Miantonomo to assassinate, II. 114; defeats Miantonomo, and takes him prisoner, 125; puts him to death, 125; converted to the Christian religion, IV. 581, *n*.

*Uncoa* (Fairfield), settlement at, I. 538.

*Underhill*, Capt. John, a military instructor for Massachusetts, I. 319; his eccentric character, 459; accompanies Endicott in his expedition against the Block-Islanders, *ib.*; his "Newes from America," cited, 459, *n.*, 461, 467; takes a part in Mason's expedition against the Pequots, 463; engaged in the assault on the Pequot fort, 465; is disfranchised, 487; seeks a retreat at Cochecho, 517; chosen governor there, 519; charges against him, 520; is excommunicated, 521; disputes the claim of Massachusetts to Dover, 587; at Dover, 590; later events of his life, 591; commands a privateer for Rhode Island, II. 359, *n.*; confiscates the Dutch House at Hartford, 378.

*Undertakers*, the, engage to elect a Parliament favorable to the king, I. 252.

*Uniformity and Supremacy*, Acts of, I. 117; High Commission Court to take cognizance of offences against, 121, II. 436.

*Union*, Conn., settled, IV. 576, *n*.

*Union of all the colonies proposed for security and defence*, V. 122; provisions of the scheme, 123; emblem representation of the, 123, *n.*; failure of the scheme, 124; project of the British ministry for, *ib.*; extract from a letter by Shirley concerning the, 125, *n*.

*United Colonies of New England*, the name assumed by the Confederacy of 1642, I. 630.

*United States Fugitive Slave Bill*, the, mentioned, V. 281, *n*.

*University of Oxford*, sustains Wickliffe, I. 105.

*Usher*, Hezekiah, complained of for witchcraft, IV. 110; mentioned, 207; his scheme for a private bank, 335, *n.*; partner in a trading company, 395, *n*.

*Usher*, John, agent of Massachusetts, purchases Maine of Gorges, III. 312; colonial treasurer, 494; charges made against him, IV. 61, *n.*; dismissed from office of treasurer, 66; offices held by him, 207; assumes the government of New Hampshire, 208, 209, 346; protests against New Hampshire joining Massachusetts, 208; his quarrel with Phips, 210; his administration uneventful, 212; cannot collect his salary, 213; asks to be relieved from office, *ib.*; is succeeded by William Partridge, 214; returns to Boston, *ib.*; his account as treasurer, 214, *n.*; claims

a seat as councillor in New Hampshire, 215; his want of personal dignity, 215, *n.*; sent to represent Allen in England in his claims against New Hampshire, 219; the people antagonistic to him, 347; his quarrel with Dudley, 350; refuses Waldron admission to the Council, 351; displaced from office, 353; death of, at Medford, 1726, *ib.*; renews his claims for remuneration as treasurer, 1715, 385.

*Ussamequin*. See *Massasoit*.

*Utrecht*, peace of, announced, IV. 286.

*Uxbridge*, negotiations at, between the Long Parliament and the king, II. 93.

## V.

*Vanbrough*, —, English dramatic writer, IV. 384, *n*.

*Vane*, Henry, a member of the Long Parliament, I. 305; arrival in Massachusetts, and account of, 435; undertakes to revise the administration of government, 437; is chosen governor, 439; engages in the affairs of Connecticut, 451; sends an expedition against the Pequots, 458; becomes a partisan of Mrs. Ann Hutchinson, 474; his discussion with Hugh Peter, 476; protests against the censure of Mr. Wheelwright, 480; his difficulty with Winthrop and others, *ib.*; his resentment and return to England, 482; his position in regard to prerogative, 504; his successful efforts in negotiating between the Long Parliament and the Scots, 579; an Independent, II. 86; at Uxbridge, 94; fears from the intolerance of the Independents in New England, 175; reproaches the Rhode Island settlements, 360; his trial and execution, 429.

*Van Tromp*, Admiral, his naval conflict with Blake at Dover, II. 283; controls the English Channel, 284.

*Van Twiller*, Walter, succeeds Minuit as governor of New Netherland, I. 624; erects trading-houses on the Delaware and the Connecticut, *ib.*

*Vas Cortereal*, John, an early voyager, I. 60.

*Vassall*, Samuel, an assistant of Massachusetts, and commissioner for the government of Foreign Plantations, II. 167.

*Vassall*, William, assistant of Massachusetts, I. 304; forms a cabal of Presbyterians, II. 166.

*Vaudreuil*, Louis de, proposes a treaty with Dudley, IV. 269; signs a capitulation of Canada to the English, V. 171.

*Vaughan*, George, a magistrate of the province of New Hampshire, III. 403;

- unjustly imprisoned by Cranfield, 415; represents New Hampshire in the claims of that province against Allen, IV. 219; protests against the appointment of Usher as lieutenant-governor, 346, *n.*; and others request that Usher be displaced, 353; represents the condition of New Hampshire to the Lords of Trade, 352; appointed lieutenant-governor, 458; succeeded in office by John Wentworth, 460.
- Vaughan*, William, urges Shirley to attack Louisburg, V. 64, *n.*; commands New Hampshire troops in the expedition to Louisburg, 181, 182; leads the attack on Louisburg, 70; applies for the government of Nova Scotia, 183; death of, 183, 183, *n.*
- Venables*, Gen. R., commands an expedition against the West Indies, II. 297.
- Venner*, Thomas, insurrection of, II. 300; leader of the Fifth-Monarchy men, 434, 509; misrepresents the people of Massachusetts to the bishop of London, IV. 65.
- Vermont*, superficial measurement and situation of, I. 3; height of mountains in, 5; municipal system of representation in, 382; number of its towns in 1850, II. 12, *n.*
- Vernon*, Admiral, commanded an expedition in the war with Spain, IV. 592; his disastrous expedition mentioned, V. 193.
- Verrazzano*, John, the Florentine, his voyage to America, I. 64; his discovery the basis of the French claim to North American territory, 77.
- Vetch*, Col. Samuel, brings instructions from England concerning the expedition to Nova Scotia, &c., IV. 275, 276, *n.*; left in command at Port Royal, 278, 278, *n.*; mentioned, 285, *n.*, 413; accused of illicit trading, 299; himself and his party tried by the General Court, 300; action of the Privy Council in reference to the case of, 302; his fine remitted by the Court, 324; receives commission of colonel from the queen, 323; desires to be governor of Massachusetts, 337, 337, *n.*; desires to succeed Shute as governor, 452, *n.*
- Veto* power of the magistrates, I. 448.
- Villiers*, George, Duke of Buckingham, his breach with the Spanish Court, I. 261; his impeachment, 267; assassinated, 271.
- Vincent*, Philip, "True Relation of the late Battle," &c., cited, I. 467, *n.*, 469, *n.*
- Vinland*, or Wineland, name supposed to have been given to Rhode Island by the Northmen, I. 53, 55.
- Vines*, Richard, sails for New England, under the patronage of Gorges, I. 98; winters at Saco, *ib.*; his return, 99; his difficulty with Cleaves, 595.
- Virginia*, companies for the colonization of, incorporated in England, I. 81, Council of, *ib.*; boundaries of the North and South Colonies, 82; the company of, favorably disposed toward the Leyden congregation, 151; dissensions in the company, 152; a patent granted to the Leyden congregation, 153; ill success of the company, 190; to furnish troops for an attack on Quebec, V. 84; a committee of correspondence established in, 461.
- Voluntown*, Conn., IV. 474, *n.*
- Vorstius*, —, professor at Leyden, I. 145.
- Votes* by proxy, authorized, I. 443.
- "*Votes and Proceedings of Freeholders, &c., of Town of Boston*," a pamphlet issued on the provision of Parliament for the judges' salaries, V. 455.

## W.

- Wachusett*, Mount; situation and height of, I. 6.
- Wadleigh*, Robert, councillor of the province of New Hampshire, III. 419.
- Wadsworth*, Captain, marches to the relief of Lancaster, III. 183; defeated and killed by the Indians, 192.
- Wadsworth*, Captain, Conn., defeats the attempt of Fletcher to take command of the militia of Connecticut, IV. 226; preserves the charter of Connecticut, 374, *n.*
- Wadsworth*, Benjamin, elected president of Harvard College, V. 404, *n.*
- Wadsworth*, James, a teacher among the Mohegans, IV. 481, 580, *n.*
- Wager*, Sir Charles, mentioned, IV. 365, *n.*
- Wainwright*, —, commands an attack on Port Royal, IV. 272; quoted on the condition of the troops, 273; killed by Indians at Haverhill, 274.
- Walcott*, Roger, Connecticut, mentioned, IV. 580, *n.*
- Waldo*, Samuel, makes representations against Belcher, V. 47; commissioned brigadier-general, 67, *n.*; given command of the expedition against Quebec, 84, *n.*
- Waldron*, Major Richard, his operations against the Indians in Maine, III. 209; some account of, 209, *n.*; a magistrate of New Hampshire, 403; commander of the military force of the province, 405; governor of the province, 407; dismissed from office by Cranfield, 408; cast in a suit by Robert Mason, 413; massacred by Indians at Dover, in 1689, IV. 83; the controversy with Allen concerning the land claim, 347, 849.
- Waldron*, Col. Richard, Jr., escape from Indians, IV. 265; refused admission

- to the Council by Usher, 351; death of, 1731, 566.
- Waldron**, Richard, 3d, mentioned as succeeding his father as secretary of New Hampshire, IV. 506, *n.*; suspended from office by Governor Wentworth, 1742, V. 180, *n.*
- Walford**, Jane, accused of witchcraft, IV. 97.
- Walford**, Thomas, at Mishawum, I. 233; officiates as church-warden at Piscataqua, 523.
- Walker**, Sir Hovenden, admiral of the fleet against Quebec, IV. 283; the disaster to his ships, *ib.*; holds council with his captains, 284, 284, *n.*, 285, *n.*; returns to Boston, 284.
- Walley**, John, made lieutenant-general of the fleet to attack Quebec, IV. 51; nominated as councillor, 254.
- Walpole**, Horace, mentioned, V. 46, *n.*; "George the Third," cited, 345, *n.*; "Memoirs," cited, 854, *n.*; quoted, IV. 430, *n.*
- Walpole**, Sir Robert, mentioned, IV. 430, *n.*, 460, *n.*, V. 46, *n.*; auditor of American revenue, V. 55, *n.*; quoted on civil government in Canada, 528, *n.*
- Walsingham**, —, secretary of state, supports Nonconformity, I. 119.
- Walton**, Shadrach, quoted concerning the fighting men in the Massachusetts government, IV. 213, *n.*; dismissed from service, 433; makes affidavit against Dunbar, 569, *n.*; complaint of Robert Elliott against, 351, *n.*
- Wampanoag** Indians. See *Pokanoket*.
- Wampum** or Wampumpeag, used as money by the Indians, I. 31; current in Massachusetts, 611.
- Wamsutta**, son of Massasoit, succeeds his father, and visits Plymouth, III. 142; receives an English name, 143; his troubles with Plymouth and his death, *ib.*
- Wanton**, Gov. John, of Rhode Island, IV. 590, 592.
- Wanton**, Joseph, chosen governor of Rhode Island, 1709, V. 507.
- Wanton**, Gov. William, of Rhode Island, IV. 590.
- War**, Committee of, raised, upon announcement of war between France and England, V. 59.
- War-dance** of the Indians described, I. 34.
- Ward**, Artemas, rejected as councillor by Bernard, V. 401; appointed to command the Massachusetts militia, 544.
- Ward**, Rev. Nathaniel, author of "The Body of Liberties," II. 23, *n.*; account of, 26; his code of laws, 28; crimes punishable with death, 20; his laws relative to inheritance and servitude, *ib.*; his testimony to the virtues of the planters of Massachusetts, 35; his denunciation of female foppery, 64, *n.*; his election sermon, 158, *n.*; his death, 409.
- Ward**, Gov. Richard, R. I., report of, to the Board of Trade, V. 207, *n.*; quoted concerning the Stamp Act, 504, *n.*; declines to receive nomination as governor, 507; sent by Rhode Island to the Congress at Philadelphia, 536.
- Wardour**, Lord Arundel, of, assists Weymouth in his second voyage, I. 75.
- Warham**, Rev. William, accompanies the Dorchester emigrants to Connecticut, I. 454; adheres to the old rule of Congregationalism, III. 116; his church, 119.
- Warner**, John, one of Gorton's company at Shawomet, II. 121; his letter to the General Court of Massachusetts, 137; disgraced, 357.
- Warner**, Seth, resists Lord Dunmore's claim to land grants in Bennington, V. 499.
- Warner**, Thomas, his narrative cited, III. 180, *n.*
- Warren**, Commodore, desired by Shirley to assist in the attack on Louisburg, V. 62; arrives with his fleet before Louisburg, 69; made vice-admiral, 81; solicits some reward from England for his service at Louisburg, 82, *n.*; his claim for prize money, 83, *n.*; appointed governor of Nova Scotia, 88, *n.*
- Warren**, James, Plymouth, member of the committee of correspondence, V. 461.
- Warren**, Joseph, a graduate of Harvard College, V. 405, *n.*; name signed to a paper, 415, *n.*
- Warren**, R. I., mentioned, IV. 586; Brown University first established at, V. 294.
- Warwick**, Robert, Earl of, his letter of congratulation to Winthrop, I. 390; assigns Connecticut to certain proprietors, 450; admiral under the Long Parliament, 577; president of the Board of Commissioners for the government of New England, 634.
- Warwick**, R. I., Shawomet so called, II. 214; planters at, "humbly petition" the royal commissioners against Massachusetts, 602; remonstrance against the assessment of tax, III. 101; its *impertinent file*, 102, *n.*; burnt by the Indians, 188; represented in General Assembly, IV. 466; mentioned, 585.
- Washburn's** "Judicial History," &c., cited, V. 219, *n.*
- Washington**, George, mentioned, V. 128, *n.*, 385, *n.*; mentioned in letter of Lord Halifax, 146, *n.*; the surrender of Fort Duquesne to, 163; arrival at Cambridge as general-in-chief of the American army, 565.



- Washington*, Mount, height of, I. 6.  
*Watatick*, Mount, situation and height of, I. 6.  
*Watertown*, named, I. 319; religious dispute at, 350; discontent of the people at, against the Court of Assistants, 353; formation of a town government, 381; liberty granted to the inhabitants to remove to Connecticut, 449.  
*Wattacompanum*, sachem of the Nipmucks, executed at Boston, III. 220.  
*Watts*, Dr., IV. 384, *n.*; V. 7; his writings reprinted in America, V. 218, *n.*; his Hymns adopted in New England, 221, *n.*  
*Waymouth*, George, his "True Relation," cited, I. 21; sails to discover a north-west passage, 69; his second attempt, makes the island of Nantucket, enters the Kennebec or the Penobscot, and returns to England, 76.  
*Weare*, Nathaniel, carries the petition of New Hampshire to England, III. 415; complains of Cranfield to the Privy Council, 417; chosen speaker of New Hampshire Legislature, IV. 565, *n.*  
*Webb*, Colonel, succeeds Shirley as commander-in-chief of the forces in North America, V. 145; in command at Fort Edward, 151.  
*Webb*, John, pastor of the New North church, IV. 338, *n.*  
*Webster*, John, governor of Connecticut, II. 379.  
*Wedderburn*, Alexander (Lord Chancellor Loughborough), counsel for Hutchinson at the hearing for his removal from office, V. 484; consulted by the Assembly of Connecticut, 519; debate in Parliament, 553.  
*Weetamoo*, squaw sachem, drowned, III. 204.  
*Welbore*, Ellis, vote in Parliament, V. 429.  
*Welde*, Joseph, I. 487.  
*Welde*, Thomas, settled in Roxbury, I. 357; goes with Hugh Peter and others to England, 582; his death, 584; his manuscripts, *ib.*  
*Well's* "Life, &c., of Samuel Adams," cited, V. 273, *n.*  
*Wells*, Mr., Boston, on committee concerning Governor Burnet's salary, IV. 506, *n.*  
*Wells*, Me., settlement of, I. 593, IV. 30; attacked by French and Indians, IV. 94; Indian ravages at, 260.  
*Wells*, Thomas, deputy-governor of Connecticut, II. 377; elected governor, 379.  
*Welsh*, the improbability of their having come to New England in the twelfth century, I. 59.  
*Welsh*, Thomas, a 5th of March oration delivered by, V. 423, *n.*  
*Wentworth*, Benning, mentioned, IV. 569, *n.*; becomes governor of New Hampshire, 1741, V. 179; obtains the office of surveyor of the woods, 180; desires a fixed salary, *ib.*; suspends Richard Waldron from office, *ib.*; offers his services for the expedition to Louisburg, 182; in dispute with the House of Deputies concerning his prerogative as governor, 187, 188; quoted concerning the French invasions, 189, 189, *n.*; land grants made in New Hampshire by, 290, 292; his marriage, *ib.*; concerning writs of assistance, 298; not interested in the scheme for a college, *ib.*; quoted concerning the Stamp Act, 324; influences New Hampshire against sending delegates to the Continental Congress, 328; did not enforce the Stamp Act, 491; considered inefficient for governor, 492; retirement from office, *ib.*; his title to certain lands questioned, 502.  
*Wentworth*, Lieut.-Gov. John, quoted, concerning shipbuilding, IV. 452, *n.*; the signers of his commission, 460, *n.*; gives to the Irish Presbyterians the grant of Londonderry, 462; assumes the administration during the absence of Shute, 464; the friendly relations of his administration in New Hampshire, 465; disallowed the choice of speaker to the House, in New Hampshire, *ib.*; Belcher's offensive treatment of him, 566; death of, 1730, *ib.*  
*Wentworth*, John, 2d, succeeds his uncle Benning as governor of New Hampshire, 1765, V. 492; quoted on the landing of the troops in Boston, 492, *n.*; his expectation of a fixed salary, 493; influences against the non-importation agreements, 496; corresponds concerning the boundary line of New Hampshire, 497; contests the title of John Wentworth to land grants in New Hampshire, 502; charges made against him to the king, *ib.*; charged with lending aid to Governor Gage, 536, *n.*; announces an attack upon Portsmouth harbor, 556.  
*Wentworth*, Thomas, Earl of Strafford, his desertion of the popular cause, I. 271; elevated to the peerage, 272; president of the Council of York, 562; condemned by bill of attainder, and executed, 572.  
*Wesley*, John, V. 38.  
*Wessagusset*, Weston's plantation at, I. 199; its disorders and distress, 200; Indian conspiracy at, 202; its dispersion, 203.  
*West*, John, deputy-secretary to Randolph, and judge of the Inferior Court, III. 523; some account of, 523, *n.*; extorts excessive fees, 531; Governor Dongan's commissioner in Maine, 533.  
*Westbrooke*, Col. Thomas, sent with

- troops to the Norridgewock Indians, IV. 422; appointment of colonel in place of Walton, 433; his winter on the Penobscot, 440.
- Westerly*, town of, belonging to Rhode Island, IV. 857; represented in General Assembly, 466, 585; preaching of Davenport, the revivalist, in, V. 34.
- Western*, Thomas, concerning the promotion of William Shirley, V. 49, *n*.
- Western*, Fort, built by Governor Shirley, V. 175.
- West India* Company of Holland, I. 236.
- West India* Islands colonized by Spain, I. 66.
- Westminster* Assembly of Divines, New England ministers invited to the, I. 581; ordinance for calling the, II. 79; conditions upon which it met, and the parties represented in, 80; parties in the, 81; proceeds to business, 87; dissensions in, between Presbyterians and Independents, 88; claims for the Presbyterian system the sanction of Divine right, 101; its political impotence, 102; journal of, *ib*.
- Westminster*, Peace of, receipt of the intelligence of the, in New York, III. 126.
- Westminster* massacre, the, at New Hampshire, V. 560, *n*.
- Westmoreland*, N. H., Indian invasions at, V. 184.
- Weston*, Thomas, at Leyden, I. 156; at Southampton, 159; shipwrecked and robbed by the Indians, 203; visits Plymouth, *ib*.; is charged by Captain Gorges with dishonesty, 207. See *Wessagusset*.
- Wethersfield*, Conn., settlement of, I. 450; originally called Watertown, 455; the industries at, IV. 474.
- Wexford*, sack of, II. 275.
- Weymouth*, attack on, by the Indians, III. 188.
- Whalley*, Edward, in Boston, II. 495; order for his apprehension, *ib*.; account of, 496. See *Regicides*.
- Wharton*, —, English dramatic writer, IV. 384, *n*.
- Wharton*, Lord, his friendly services to Mather, IV. 71.
- Wharton*, Richard, granted the privilege of making pitch, &c., IV. 395.
- Whately*, William, accused concerning the Hutchinson letters, V. 485, *n*.
- Wheaton's* "History of the Northmen," cited, I. 56, *n*.
- Wheeler*, Capt. Thomas, wounded in battle with the Indians, III. 159; quotation from his "True Narrative," 162.
- Wheelock*, Rev. —, Lebanon, Conn., welcomes Whitefield to Connecticut, V. 26, 29, *n*.
- Wheelock*, Eleazer, instrumental in establishing Dartmouth College, V. 293.
- Wheelwright*, —, forged deed of Indian land grant to, IV. 349.
- Wheelwright*, Rev. John, a partisan of Mrs. Ann Hutchinson, I. 472; admitted to the Boston church, 474, *n*.; called as minister to Mount Wollaston, 475; censured by the Court, 478; his seditious sermon, 479; his sentence deferred, 483; disfranchised and banished, 485; forms a settlement at Exeter, 515; withdraws to Wells, 598; his sentence of banishment revoked, 594; returns to Hampton, and sails for England, *ib*.; close of his life, 594, *n*.
- Whigs* at first called Petitioners, III. 256; conferences of the leaders, 261.
- Whitcomb*, John, made officer of the militia in Massachusetts, V. 558.
- White*, John, the Puritan counsellor, I. 305, 306.
- White*, Rev. John, I. 284; the author of "The Planter's Plea," 286, *n*.; his letter to Conant, *ib*.; the author of the "Humble Request," 312; inclination of, to Congregational church government, 318, *n*.
- White*, Peregrine, born on board the "Mayflower," I. 182, *n*.; land granted to, by Plymouth, III. 97.
- White Mountains*, highest peak of, I. 6.
- Whitefield*, George, visits New England, V. 8; biographical note of, 8, *n*.; preaches in Boston, 9; his impression of the people of Boston, 11; visits Rev. Jonathan Edwards, *ib*.; his estimation of Boston, 12; his second visit to New England, 22; grave charges made against him by faculty of Harvard College, *ib*.; his death and burial, 24; vote of thanks of Harvard College corporation to, 24, *n*.; preaching in Connecticut, 26; furnishes a motto for regimental colors, 66.
- Whitefield*, Rev. Henry, settles at Quinpiac, I. 534; afterwards settles at Guilford, *ib*.; description and plans of his house at Guilford, II. 59.
- Whitelocke*, —, his testimony against the drinking of healths, I. 281; his dialogue with Cromwell, 281, *n*.; his papers burned, 581; an Independent, II. 86; his "Memorials," cited, 97, *n*., 100, 109, 111, 275.
- Whitgift*, —, accession of, to the primacy, I. 120; his severe proceedings, 121; at Hampton Court, 129; his death, 132; his answer to "An Admonition for the Reformation of Church Discipline," II. 75, *n*.
- Whiting*, Rev. Samuel, pastor of the First Church of Hartford, 1666, III. 116; adheres to the old way of Congregationalism, *ib*.; sets up a second church at Hartford, 119.
- Whiting*, Rev. Samuel, Windham, Conn., 1721, V. 25.



- Whiting*, William, agent of the colony of Connecticut at London, III. 510, 539.
- Whitney*, —, linguist, a graduate of Williams College, V. 139, *n*.
- Wickford*, municipal government at, established by Connecticut, II. 571; the colonial troops at, in the Narragansett war, III. 181.
- Wickliffe*, John, a scholar at Oxford, I. 103; publishes a tract against the demands of the Pope, 104; denies essential doctrines of Romanism, *ib.*; is befriended by John of Gaunt, *ib.*; his translation of the Bible, 105; his writings and his friends, *ib.*; his peaceful death, 106.
- Wiggin*, Thomas, observations of, upon the Massachusetts colonists, their governor and others, I. 366, *n.*; settles at Dover, 519.
- Wigwam*, description of a, I. 26; description of, by one of the Plymouth colonists, 169.
- Wilbur*, Shadrach, town clerk of Taunton, imprisoned by Andros, and fined, III. 535.
- Wilkes*, John, case of, in England, V. 242, *n.*; member of the club "Sons of Liberty," 388, *n.*; correspondence of the club with, *ib.*
- Wilks*, Francis, retained in the interest of Massachusetts in an appeal to the king, IV. 517; extract from his letter concerning the governor's salary, 522, *n.*; favors Belcher's appointment for governor, 531; agent in England for Connecticut, 580; discharged from office of agent, V. 52, *n*.
- Willard*, John, accused of witchcraft, IV. 105; mentioned as being bewitched, 110.
- Willard*, Samuel, member of the corporation of Harvard College, IV. 193, *n.*, 194, *n.*; vice-president of Harvard College, 315; death of, 317.
- Willard*, Major Simon, commands the expedition against the Nyantics, II. 329; some account of, 330, *n.*; relieves Brookfield, III. 161; his death, 212.
- Willard*, Simon, secretary of Massachusetts, V. 9; death of, mentioned, V. 155, *n*.
- Wilkins*, Richard, appointed a postmaster, IV. 328.
- Wilkinson*, William, petition of, in behalf of the Quakers, IV. 450, *n*.
- William* the Conqueror, his difficulties with the Holy See, I. 102.
- William* the Silent, Prince of Orange, founds the University of Leyden, I. 141.
- William* the Third, mentioned, IV. 5, *n.*; religious character of, 6; head of the Church of England, 7; makes Gilbert Burnet bishop of Salisbury, 8; his love of arbitrary power, 11; the cruelty of his nature, 12, *n.*; his interest in the foreign relations of his government, 13; his official advisers, 14; appoints a new committee of Privy Council, 20; declares war against France, 36; death of, 204; objects of, in respect to New England, 244; the Toleration Act of, mentioned, 380.
- William Henry*, Fort, capitulation of, to Montcalm, V. 151; New Hampshire troops at the defence of, 190.
- Williams*, Bishop, lord keeper, influence of, in the Church, I. 263; punished for alleged subornation, &c., 564; mentioned, V. 218, *n*.
- Williams*, Abigail, Salem, becomes bewitched, IV. 102.
- Williams*, Elisha, made rector of Yale College, IV. 479; resignation of, V. 197.
- Williams*, Ephraim, colonel in the army, and founder of Williams College, V. 139; killed in an encounter with Dieskau, 140.
- Williams*, John, argues inoculation for small-pox, IV. 414, *n*.
- Williams*, Rev. John, taken captive by Indians at Deerfield, IV. 262; his return from captivity, 264; marriage of his daughter to an Indian, 264.
- Williams*, Mrs. John, death of, IV. 262.
- Williams*, Roger, gives the Indian account of the appearance of maize in New England, I. 27, *n.*; his "Key into the Language of America," cited, 27, 32, 33, 35, 36; Mrs. Sadleir's account of, &c., 405, *n.*; his early life, *ib.*; leaves the Established Church and emigrates to New England, 406; succeeds Higginson at Salem, *ib.*; his objection to the church at Boston, 407; his doings at Salem and Plymouth, *ib.*; persuades Endicott to cut the cross from the colors, *ib.*; succeeds Mr. Skelton at Salem, 410; banished, 412; reflections upon his banishment, 413; his virtues, 417; establishes a plantation at Seekonk, 421; lays the foundation of Providence, 422; the government established there, 423; his impatience of the Quakers, 424; is rebaptized, *ib.*; his opinions on baptism, 425; dissuades the Narragansetts from alliance with the Pequots, 460; his charges against King James and King Charles, 500; the Oath of Allegiance administered to, *ib.*; embarks for England, and his doings there, 608; his influence over Canonius and Miantonomo, II. 113; his account of Samuel Gorton, 120; returns to America, 216; removes into the Narragansett country, 218; is chosen an assistant, 220; declines the office of deputy-president, 221; his good offices be-

- tween Newport and Portsmouth, 222; his mission to England, 354; success of his mission, 357; his correspondence with Mrs. Sadleir, *ib.*; returns to America, 361; deposed from his office of governor, 366; his "George Fox digged out of his Burrowes," cited, III. 102, 107; challenges George Fox to a public discussion, 107; his debate with Quakers, 108; captain of a train band, 190; endeavors to protect Richard Smith in his property, 437; his death and character, 443; his place of burial, 444, *n.*
- Williams College*, chartered, V. 139, *n.*
- Willington, Conn.*, IV. 474, *n.*
- Willoughby*, Francis, one of a committee to draw up a petition to the king, II. 587; chosen deputy-governor of Massachusetts, 610; opposes prerogative, 627; his death, III. 92.
- Wilson*, Lieutenant, repulsed the Indians at Dover, IV. 94.
- Wilson*, Rev. John, enters into church covenant with Winthrop and others, I. 816; departs for England, 329; visits Plymouth, 335; returns to his charge in Boston, 357; chosen pastor of the church, 359; his house at Boston, *ib.*; an opponent of Mrs. Hutchinson, 474; censured by his church, 477; his efforts for the conversion of the Indians, II. 190, 191; his death, III. 81.
- Winchester, Conn.*, settled, IV. 576, *n.*
- Winchester, N. H.*, Indian invasions at, V. 184.
- Wincob*, John, patent from the Virginia Company to, I. 153.
- Windham*, county of, Conn., IV. 474, *n.*; revival of religion at, V. 215.
- Windsor, Conn.*, settlement of, 453; originally called Dorchester, 455.
- Winnipiseogee*, Lake, situation and size of, I. 9.
- Winslow*, Edward, his birth and condition, I. 160; visits Massasoit, 183; cures Massasoit of a desperate sickness, 201; his "Good Newes from New England," cited, 44, *n.*, 46, *n.*, 197, *n.*, 201, *n.*; his "Brief Narration," cited, 142, *n.*, 143, *n.*, 149, 157, 189, *n.*; his re-arrival at Plymouth from a visit to England, 215; goes on a trading-expedition to the Kennebec, 224; goes a third time to England, 339; made governor of Plymouth Colony, 341; his remarks upon Roger Williams, 416, *n.*; his doings in England, 542; his imprisonment there, 543; holds a high office under Cromwell, 586; commissioner from Plymouth, II. 112; his opinion of Samuel Gorton and his company, 119, *n.*, 130; goes to England upon an important mission, 176; his success there, 178; his efforts in favor of the Indians, 198; his position in England, 205; success of his agency, 210; his "Hypocrisie Unmasked," &c., 210, 228, 348; goes to Jamaica with Penn and Venables, 297; his death, 297, 406; his character, *ib.*; mentioned, IV. 436.
- Winslow*, John, brings to Massachusetts the news of the landing of the Prince of Orange in England, III. 574; makes affidavit of his treatment by Andros, *ib.*
- Winslow*, John, of Marshfield, commands troops sent to Nova Scotia to repel a French invasion, V. 132; in command of the expelling of the Acadians from Grand Pré, 136; recalled from Nova Scotia to take command of the expedition against Fort Niagara, 145; commands the force at Crown Point, 149.
- Winslow*, Josiah, governor of Plymouth, III. 97; administration of, 98; testifies to the kind treatment received by the Indians, 138; commander-in-chief of the Colonial forces, 173; commands in the attack on the Narragansett fort, 177; his interview with Edward Randolph, 288; commander-in-chief of the militia of New England, 325; writes to the king, and sends him some "Indian rarities," 421; his death, 423; mentioned, IV. 436.
- Winslow*, Capt. Josiah (grandson), in charge of Fort Dummer, killed by Indians, IV. 436.
- Winter Harbor*, Indian ravages at, IV. 260.
- Winthrop*, Adam, proposed by Belcher for lieutenant-governor, IV. 543, *n.*
- Winthrop*, Fitz-John, a commissioner on the boundary question between Connecticut and Rhode Island, III. 111; some account of, 111, *n.*; a commissioner from Connecticut to treat with the Dutch, 124; takes command of a garrison at Southhold, 125; an officer under General Monk, 236, *n.*; one of the Council of the provisional government of Massachusetts, 485; sent to England to confirm the charter of Connecticut, IV. 220, 227; commands the troops from Connecticut in the expedition against Quebec, 223; attempt of Leister to court-martial, *ib.*; appointed governor of Connecticut, 228, 361, 491; military operations in Connecticut under, 361; biographical note of, 361, *n.*; engaged in the Liveen will case, 491.
- Winthrop*, John, governor of the Massachusetts Bay Company, I. 302; some account of, 303; voyage and arrival in New England, 312; explores the country about Salem, 316; is visited by Chickatabot, 328; embassy from Connecticut River Indians to, *ib.*; visit of, to Plymouth, 335; his journal

- cited, 336, 354, *n.*, 451, 472, 473, *n.*, 479, *n.*, 481, *n.*, 495, *n.*, 550, *n.*, 551, *n.*, 583; re-elected governor, 348, 355; his difference with Dudley, 349; refuses to receive presents, 355; reconciliation of Dudley with, 357; Thomas Wiggin's account of, 365; chosen governor for the fourth time, 366; his remarks to the deputies upon the government of the colony by representatives, 372; democratic jealousy of, and decline of his popularity, 373; his loss of favor in Boston, 378; ordered to present an account of his receipts and disbursements, 379; his conduct with reference to Dudley, 437; is blamed for remissness and acknowledges his error, 438; is succeeded by Vane as governor, and chosen deputy, *ib.*; objects to the hoisting of the royal flag, 441; made one of a "Council for Life," *ib.*; an opponent of Mrs. Hutchinson, 474; prevents the settlement of Wheelwright in Boston, 475; succeeds Vane as governor, 481; his cold reception at Boston, *ib.*; his knowledge of law illustrated by an example, 482; his praiseworthy conduct, 510; disapproves of Winslow's course in England, 543; remonstrates with Lord Say and Sele, 550; reflections upon the administration of, 553; second deposition of, 555; his reply to the recall of the charter, 557; succeeds Bellingham as governor, 613; his opposition to Saltonstall's treatise upon "the Council for Life" question, 615; his "Breviate" of the case between Mrs. Sherman and Captain Keayne, 619; his conciliatory speech to the General Court, 620; defends the negative of the magistrates, 621; letters of, upon the subject of confederation, 626; represents Massachusetts in the first Federal Congress, over which he presides, II. 112; refuses to treat with Gorton's company, 132; his reply to the remonstrance of some magistrates and others, 155; elected deputy-governor, 156; deputy-governor under Dudley, 253; complaint against, 255; his acquittal and vindication of himself, 257; elected governor, 260; his tribute to Hooker, 264; death of, *ib.*; his character, 265; Massachusetts, mentioned, IV. 5.
- Winthrop*, John, the younger, some account of, I. 435; governor at Saybrook, 450; lays the foundation of a colony at Saybrook, 451; goes to England, in 1641, 582, *n.*; elected an assistant, 613; commences iron-works at Braintree, II. 233; begins a plantation on Pequot River, *ib.*; undertakes another settlement at Paucatuck, 235; governor of Connecticut, 879; goes to England on behalf of Connecticut, 536; his connection with the Royal Society, 539; his doubtful conduct in reference to the union of New Haven with Connecticut, 543; returns and represents Connecticut in the Confederate Congress, 551; repeatedly chosen governor of Connecticut, III. 114; his death, 233; his character, 234; mentioned, IV. 485; a member of the Royal Society, V. 217.
- Winthrop*, John, F. R. S., his suit in England concerning the division of his father's estate, IV. 577, 578, *n.*
- Winthrop*, Stephen, becomes a major-general under the Parliament, I. 585.
- Winthrop*, Wait, one of the Council of the provisional government of Massachusetts, III. 485; commands the Castle in Boston harbor, 494; commander of the militia under the provisional government of Massachusetts, 587; resigns his office, 589; in command of militia, IV. 43, *n.*; made councillor, 48, *n.*; appointed as agent to England, 204; sent to confer with Lord Lovelace, 275; presides at the Council, 339, *n.*; partner in a trading company, 395, *n.*
- Wiscasset*, Canadian Indians avenge a quarrel at, V. 112.
- Wise*, Rev. John, minister of Ipswich, advises the inhabitants of that town to pay no tax unless levied by an assembly, III. 525; put upon trial at Boston, and punished by a fine and suspension from his office, 526, 527.
- Wishart*, George, V. 37, *n.*
- Wiswall*, Rev. Ichabod, appointed agent of Plymouth Colony to England, III. 424; a victim of Governor Andros, 554; his action concerning the annexation of the colony to Massachusetts, IV. 87, 88.
- Witchcraft*, executions for, in Connecticut and Massachusetts, II. 376, *n.*; breaking out of, in New England, IV. 96; letter of John Eliot on, quoted, 96, *n.*; prosecutions and executions of victims, 97; in Boston, 98; meeting held by ministers concerning, 99; at Salem, 101; ministers quoted concerning, 101, *n.*; a special court instituted by Governor Phips, for the trial of accused persons, 105; action of the Court, 106-111; breaking out in Andover, 109; adjournment of the Court, 111; proposals of corporation of Harvard College concerning, 115; remorse of some of the juries for their verdicts toward the victims of, 116; penitence of Judge Sewall, *ib.*; the General Court reimbursed pecuniary losses to sufferers therefrom, 117; worthlessness of the confessions, 118; declarations of six women of Andover,

- 119; incompetence and injustice of the judges in the cause of, 121; similar delusions in England and New York, 122; theories concerning demoniacal agency, 123; certain authors quoted on, 123, *n.*; prevalence of the superstition throughout Christendom, 124; its prevalence in Great Britain, 125; order of the Privy Council concerning, 126; causes which would predispose to superstitious panic in New England, 128; the victims of, judged according to religious conviction, 129; limitations of the cruelty in the death sentences, 132; damages awarded to the sufferers, from, 336, *n.*
- Withers*, Thomas, councillor in Maine, II. 384.
- Witter*, William, a Baptist of Lynn, II. 351.
- Wituwamet*, an Indian conspirator, put to death, I. 202.
- Wolcott*, Gov. Roger, his version of the Charter-Oak story, III. 542; lieutenant-governor of Connecticut, IV. 584; commissioned in the attack against Louisburg, V. 67, *n.*; given command of the Connecticut troops in the expedition to Louisburg, 195; succeeds to the governorship of Connecticut, 199; superseded in office on account of official negligence, *ib.*; deputy to Albany concerning a Federal constitution for the colonies, 200.
- Wolfe*, James, mentioned, V. 137; his gallantry at the siege of Louisburg, 163, 164, 164, *n.*; his reception in England, 164; commands troops in the expedition to Quebec, 165, *n.*; arrives with troops at Quebec, 166; his attack upon the city, 168; capture of Quebec by, 169; death of, 169.
- Wollaston*, Captain, forms a settlement in the town now called Quincy, I. 222; withdraws to Virginia, 231.
- Wood*, William, "New England's Prospect," quoted, I. i, *n.*, 85, 360, 372, 383, II. 56; his map of the south part of New England, 300.
- Woodbery*, Peter, representative of General Court, IV. 147, *n.*
- Woodbridge*, Benjamin, made chaplain to Charles II., I. 586., II. 432, *n.*
- Woodbridge*, Rev. John, his opinion of Eliot's defence of synods, III. 84.
- Woodbridge*, John, chaplain to the commissioners sent to treat with King Charles, I. 586.
- Wood Creek*, the English army at, surprised by Dieskau, V. 139; rout of the French under Dieskau, 140; Governor Fitch quoted concerning the battle, 140, *n.*
- Woods* in New England at its first settlement, I. 16; products of the, II. 54.
- Woodstock*, Mass., desire of, to be annexed to Connecticut, V. 196.
- Woodward*, —, surveys the boundary of Massachusetts, IV. 232.
- Wool*, act of King William concerning the export of, IV. 20.
- Wooley*, Charles, his "Two Years Journal," cited, III. 305, *n.*, 334, *n.*
- Wooster*, Col. David, V. 202, *n.*
- Woranoake* (Westfield) confirmed to Massachusetts, II. 152.
- Worcester*, battle of, II. 279.
- Worcester*, Mass., IV. 30. See *Quinsigamond*.
- Worship*. See *Public Worship*.
- Wren*, Matthew, bishop of Norwich, impeached for high treason, I. 372.
- Wriothesley*, Henry, Earl of Southampton, a patron of Bartholomew Gosnold, I. 70; assists Waymouth in his second expedition, 75; chosen governor of the Virginia Company, 191.
- Writs of Assistance*, concerning the legality of, V. 235; the origin of, 236, *n.*; the legality of, affected by the sovereign's decease, 235; memorial of merchants for a hearing on, 237; the duties of officers under, 238; the legality of, granted, 242; not issued in Connecticut or Rhode Island, 295.
- Wyat*, Sylvester, sails up the Gulf of St. Lawrence, I. 69.
- Wycherley*, —, English writer, IV. 384, *n.*
- Wyllys*, George, a magistrate and governor of Connecticut, I. 603; his death, II. 263.
- Wyman*, Ensign, in the fight with Lovewell at Piggwacket, IV. 442.

## Y.

- Yale*, David, signs the "Remonstrance and Humble Petition," II. 168.
- Yale*, Elihu, his contributions to Yale College, IV. 478.
- Yale College*, establishment of, IV. 371, 477; first president of, 372; established at New Haven, 477; transfer of the library of, to New Haven, 478, *n.*; the prescribed age of trustees of, 479, *n.*; generosity of Connecticut toward, 580; receives a charter from the Legislature, V. 107; its endowments, *ib.*; a professor of divinity appointed, 198.
- York*, Duchess of, her death, III. 13.
- York*, James, Duke of, a patent for land, between the rivers Connecticut and Delaware, granted to, II. 580; avows himself a Papist, III. 13; marries a Catholic princess, 19; is displaced from the office of admiral by the Test Act, 20; has small faith in the goodness of his claim to lands in Connecti-

- cut, 131; believes the Popish Plot an artifice of the Earl of Danby, 243; is excepted by the Lords in the exclusion of Catholics from public employment, 249; withdraws to the continent, 251; proceedings against, 253; exclusion bill against, proposed in the Commons, 254; information against, by Lord Shaftesbury, 255; bill of exclusion against, passes the House of Commons, 256; his restoration to power, 267; invested with the administration of the government of Scotland, 269; his accession to the throne as King James the Second, 446. See *James the Second*.
- York*, city of, surrendered by the royal forces, II. 70.
- York*, one of the original counties of Maine, I. 527; the empty honors bestowed upon it by Gorges, *ib.*; authority of Massachusetts restored over, II. 632, IV. 30; attacked by French and Indians, IV. 93; in line of Indian attack, 266.
- Yorke*, —, law-officer of the crown, IV. 589.
- Young*, —, English writer, IV. 384, *n.*
- Young*, Rev. Alexander, D.D., "Chronicles of the Pilgrim Fathers," cited, I. 132, *n.*, 134, *n.*, 142, *n.*, 176, *n.*
- Young*, Sir John, named in the Massachusetts charter, a member of Parliament, I. 805.
- Young*, Thomas, mentioned, V. 415, *n.*

## Z.

- Zeni*, the Venetian brothers, their alleged discoveries along the coast of America, I. 60.
- Zulestein*, Earl of Rochford, an illegitimate cousin of William of Orange, and ambassador of that prince in England, III. 473.







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